

WEDNESDAY, MAY 21, 2003
FORTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Dr. Jon Roebuck of Woodmont Baptist Church in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1994 with amendments.

HENRY, Chairperson
May 20, 2003

The Speaker announced that he had referred Senate Bill No. 1994 with amendments to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 497 with amendments and 1272 with amendment.

PERSON, Chairperson
May 20, 2003

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The Speaker announced that he had referred Senate Bills Nos. 497 with amendments and 1272 with amendment to Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 704, 942, 947, 948, 1025, 1027, 1035, 1467, 1470, 1480, 1485, 1487, 1649, 2001 and 2002.

HARPER, Chairperson
May 21, 2003

The Speaker announced that he had referred Senate Bills Nos. 704, 942, 947, 948, 1025, 1027, 1035, 1467, 1470, 1480, 1485, 1487, 1649, 2001 and 2002 to Committee on Calendar.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 12, 202, 248 with amendment, 249, 349, 518 with amendment, 731, 951 with amendment, 952, 1371, 1587 with amendment, 1598, 1718, 1782, 1992 with amendment and 2021 with amendment; and Senate Joint Resolutions Nos. 142 with amendment, 214 with amendment, 241 with amendment and 242.

HENRY, Chairperson
May 21, 2003

The Speaker announced that he had referred Senate Bills Nos. 12, 202, 248 with amendment, 249, 349, 518 with amendment, 731, 951 with amendment, 952, 1371, 1587 with amendment, 1598, 1718, 1782, 1992 with amendment and 2021 with amendment; and Senate Joint Resolutions Nos. 142 with amendment, 214 with amendment, 241 with amendment and 242 to Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1812 with amendment and 1860 with amendment; and House Joint Resolution No. 61; also, recommend that Senate Bill No. 109 with amendment be referred to the Committee on Finance, Ways and Means.

McNALLY, Chairperson
May 21, 2003

The Speaker announced that he had referred Senate Bills Nos. 1812 with amendment and 1860 with amendment; and House Joint Resolution No. 61 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 109 with amendment to Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1781; also, recommend that

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Senate Bills Nos. 1188 with amendments and 1273 be referred to the Committee on Finance, Ways and Means.

WILLIAMS, Chairperson
May 21, 2003

The Speaker announced that he had referred Senate Bill No. 1781 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1188 with amendments and 1273 to Committee on Finance, Ways and Means.

PRESENTATION

Senator Jackson presented **Senate Joint Resolution No. 243** to Robert Lee Littleton.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 2043 by Senator Beavers.

Macon County -- Subject to local approval, authorizes county to regulate certain abandoned, wrecked, dismantled, junked or inoperative motor vehicles.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 707 -- Students -- Prohibits school personnel from recommending psychotropic drugs such as Ritalin to treat elementary and secondary school students for behavioral concerns. Amends TCA Title 49, Chapter 6, Part 50.

House Bill No. 999 -- Arrests -- Permits police officer to arrest without warrant driver of motor vehicle who leaves scene of accident and who, upon apprehension, is found to be intoxicated. Amends TCA Section 40-7-103.

House Bill No. 1259 -- Hospitals and Health Care Facilities -- Increases nursing home bed tax from \$2,225 to \$2,600 per licensed bed per year and extends expiration date of tax to June 30, 2005. Amends TCA Title 68, Chapter 11, Part 2.

House Bill No. 1499 -- Sunset Laws -- Commission on responsible fatherhood, June 30, 2005. Amends TCA Title 4, Chapter 29.

House Bill No. 1501 -- Sunset Laws -- Families first advisory council, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 3.

House Bill No. 1512 -- Sunset Laws -- Deletes references to terminated governmental entities. Amends TCA Title 4, Chapter 29.

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House Bill No. 1515 -- Sunset Laws -- Panel on health care facility penalties, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11.

House Bill No. 1527 -- Sunset Laws -- Public safety committee, June 30, 2009. Amends TCA Title 4, Chapter 29.

House Bill No. 1549 -- Sunset Laws -- Department of commerce and insurance, June 30, 2007. Amends TCA Title 4, Chapter 29.

House Bill No. 1692 -- Professions and Occupations -- Increases number of continuing education hours required to maintain cosmetology instructor's license from 16 hours every two years to 20 hours every two years; adds two members who are practitioners of natural hair design. Amends TCA Title 62, Chapter 4, Part 1.

House Bill No. 1985 -- Probation and Parole -- Allows certain private probation entities to contractually provide probation supervision services for felons. Amends TCA Title 40, Chapter 35, Part 3.

House Bill No. 2019 -- Welfare -- Increases from five to six number of members needed for quorum of child care agency licensing board; eliminates requirement for comptroller to perform audit on impact of Family First Act. Amends Tennessee Code Annotated, Title 3, Chapter 15; Title 33; Title 56; Title 68 and Title 71.

House Bill No. 2117 -- Monterey -- Subject to local approval, revises terms of office for board of aldermen and staggers terms. Amends Chapter 492 of the Acts of 1901; as amended.

House Bill No. 2118 -- Jonesborough -- Subject to local approval, transfers authority over town recorder from board of mayor and aldermen to town administrator, authorizes creation of second city judge or assistant city judge. Amends Chapter 135 of the Acts of 1903; as amended.

House Bill No. 2119 -- Bells -- Subject to local approval, creates office of vice mayor; provides for election and specifies duties. Amends Chapter 80 of the Private Acts of 1993.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2038 held on desk.

Senate Bill No. 2039 held on desk.

Senate Bill No. 2040 held on desk.

Senate Bill No. 2041 held on desk.

Senate Bill No. 2042 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 479 by Senator Herron.
Memorials, Death -- Mary Louise Oliver.

Senate Joint Resolution No. 480 by Senator Herron.
Memorials, Heroism -- Army Specialist Thomas Arthur Foley III.

Senate Joint Resolution No. 481 by Senator Henry.
Memorials, Recognition -- USS Dashiell, 22nd reunion.

Senate Joint Resolution No. 482 by Senator Herron.
Memorials, Academic Achievement -- Matt Wood, Salutatorian, Scotts Hill High School.

Senate Joint Resolution No. 483 by Senator Herron.
Memorials, Academic Achievement -- Bianca Brasher, Valedictorian, Scotts Hill High School.

Senate Joint Resolution No. 484 by Senator Herron.
Memorials, Interns -- Michael Braden Holton.

Senate Joint Resolution No. 485 by Senator Jackson.
Memorials, Retirement -- Billy Mayfield.

Senate Joint Resolution No. 486 by Senator McLeary.
Memorials, Professional Achievement -- Gibson County Utility District, 50th anniversary.

Senate Joint Resolution No. 487 by Senator Kilby.
Memorials, Academic Achievement -- Robin Campbell, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 488 by Senator Kilby.
Memorials, Academic Achievement -- Tiffany Boshears, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 489 by Senator Kilby.
Memorials, Academic Achievement -- Falin Gantz, Salutatorian, Campbell County High School.

Senate Joint Resolution No. 490 by Senator Kilby.
Memorials, Academic Achievement -- Kristin Gunter, Valedictorian, Central High School.

Senate Joint Resolution No. 491 by Senator Kilby.
Memorials, Academic Achievement -- Alison Pearl Thomas, Salutatorian, Scott High School.

Senate Joint Resolution No. 492 by Senator Kilby.
Memorials, Academic Achievement -- Chancie Miller, Valedictorian, Central High School.

Senate Joint Resolution No. 493 by Senator Kilby.
Memorials, Academic Achievement -- Tosha Jeffers, Valedictorian, Sunbright School.

Senate Joint Resolution No. 494 by Senator Kilby.

Memorials, Academic Achievement -- Katelan Bridges, Salutatorian, Clarkrange High School.

Senate Joint Resolution No. 495 by Senator Kilby.

Memorials, Academic Achievement -- Shawna Smith, Salutatorian, Clarkrange High School.

Senate Joint Resolution No. 496 by Senator Kilby.

Memorials, Academic Achievement -- Savanna Kennedy, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 497 by Senator Kilby.

Memorials, Academic Achievement -- Donita Dawn Seiber, Valedictorian, Central High School.

Senate Joint Resolution No. 498 by Senator Kilby.

Memorials, Academic Achievement -- Jennifer Lee Brown, Salutatorian, Campbell County High School.

Senate Joint Resolution No. 499 by Senator Kilby.

Memorials, Academic Achievement -- Jennifer Price, Salutatorian, Scott High School.

Senate Joint Resolution No. 500 by Senator Kilby.

Memorials, Academic Achievement -- Angela Rebecca Shears, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 501 by Senator Kilby.

Memorials, Academic Achievement -- Ashleigh Asbury, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 502 by Senator Kilby.

Memorials, Academic Achievement -- Heather Bunch, Valedictorian, Central High School.

Senate Joint Resolution No. 503 by Senator Kilby.

Memorials, Academic Achievement -- Amanda Joan Gipson, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 504 by Senator Kilby.

Memorials, Academic Achievement -- Natalie Hunley, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 505 by Senator Kilby.

Memorials, Academic Achievement -- Emily Smithers, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 506 by Senator Kilby.

Memorials, Academic Achievement -- Douglas Melton, Valedictorian, Sunbright High School.

Senate Joint Resolution No. 507 by Senator Kilby.

Memorials, Academic Achievement -- Jessica Clear, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 508 by Senator Kilby.

Memorials, Academic Achievement -- Benjamin Heath, Valedictorian, Campbell County High School.

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Senate Joint Resolution No. 509 by Senator Kilby.

Memorials, Academic Achievement -- Amy LeeAnn Sexton, Salutatorian, Scott High School.

Senate Joint Resolution No. 510 by Senator Kilby.

Memorials, Academic Achievement -- Kodi Kamille Morris, Valedictorian, Campbell County High School.

Senate Joint Resolution No. 511 by Senator Burks.

Memorials, Academic Achievement -- Deanna Danielle Apple, Valedictorian, Jackson County High School.

Senate Joint Resolution No. 512 by Senator Burks.

Memorials, Academic Achievement -- Tracy Nicole Davis, Salutatorian, Jackson County High School.

Senate Joint Resolution No. 513 by Senator Burks.

Memorials, Academic Achievement -- Wei-Han Bobby Liu, Valedictorian, Cookeville High School.

Senate Joint Resolution No. 514 by Senator Burks.

Memorials, Academic Achievement -- Suman Natarajan, Salutatorian, Cookeville High School.

Senate Joint Resolution No. 515 by Senator Burks.

Memorials, Academic Achievement -- Seth Chadwell, Valedictorian, Cumberland County High School.

Senate Joint Resolution No. 516 by Senator Burks.

Memorials, Academic Achievement -- Ray Stone, Salutatorian, Cumberland County High School.

Senate Joint Resolution No. 517 by Senator Burks.

Memorials, Academic Achievement -- Melissa Esper, Salutatorian, Pickett County High School.

Senate Joint Resolution No. 518 by Senator Burks.

Memorials, Academic Achievement -- Mica McCratic, Valedictorian, Pickett County High School.

Senate Joint Resolution No. 519 by Senator Burks.

Memorials, Academic Achievement -- Kayla Elizabeth Garrison, Valedictorian, Monterey High School.

Senate Joint Resolution No. 520 by Senator Burks.

Memorials, Academic Achievement -- Lindsey Nicole Verble, Salutatorian, Monterey High School.

Senate Joint Resolution No. 521 by Senator Burks.

Memorials, Academic Achievement -- Garrett Cleveland Lewis, Valedictorian, Upperman High School.

Senate Joint Resolution No. 522 by Senator Burks.

Memorials, Academic Achievement -- Matthew John-James Uhles, Salutatorian, Upperman High School.

Senate Joint Resolution No. 523 by Senator Burks.

Memorials, Academic Achievement -- Chad Steven Marcum, Valedictorian, White County High School.

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Senate Joint Resolution No. 524 by Senator Burks.

Memorials, Academic Achievement -- Melissa Gale Turley, Salutatorian, White County High School.

Senate Joint Resolution No. 525 by Senator Kyle.

Memorials, Retirement -- Bill Yeager.

Senate Joint Resolution No. 526 by Senator Kyle.

Memorials, Retirement -- Larry Gossett.

Senate Joint Resolution No. 527 by Senator Jackson.

Memorials, Public Service -- Guy Nicholson.

Senate Joint Resolution No. 528 by Senator Cooper

Memorials, Academic Achievement -- Britney Hoosier, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 529 by Senator Cooper

Memorials, Academic Achievement -- Carol Elaine Girata, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 530 by Senator Cooper.

Memorials, Academic Achievement -- Maggie Kristin Hodges, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 531 by Senator Cooper.

Memorials, Academic Achievement -- Celina Cavett, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 532 by Senator Cooper.

Memorials, Academic Achievement -- Katherine F. Hayes, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 533 by Senator Cooper.

Memorials, Academic Achievement -- Mary Catherine Baker, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 534 by Senator Cooper.

Memorials, Academic Achievement -- Angela Barnes, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 535 by Senator Cooper.

Memorials, Academic Achievement -- Kasie Rae Luttrell, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 536 by Senator Cooper.

Memorials, Academic Achievement -- Kady Amundson, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 537 by Senator Kyle.

Memorials, Public Service -- William F. McElroy, Jr.

Senate Joint Resolution No. 538 by Senators McNally, Kilby, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Mr. Speaker Wilder and Williams.
General Assembly, Statement of Intent or Position -- Urges U.S. Dept. of Energy to renew annual assistance payments to City of Oak Ridge.

Senate Resolution No. 93 by Senator Ford.
Memorials, Retirement -- Jacqueline Jewel Bridges Greene.

Senate Resolution No. 94 by Senator McLeary.
Memorials, Heroism -- Emmett Ledbetter.

Senate Resolution No. 95 by Senator McLeary.
Memorials, Recognition -- Feed the Children, Assistance to Victims of Jackson Tornado.

Senate Resolution No. 96 by Senator McLeary.
Memorials, Public Service -- Jose Gutierrez.

RESOLUTIONS LYING OVER

House Joint Resolution No. 454 -- General Assembly, Statement of Intent or Position -- Urges Federal Energy Regulatory Commission to renew license for Tapoco Hydroelectric Project.

The Speaker announced that he had referred House Joint Resolution No. 454 to Committee on Environment, Conservation and Tourism.

House Joint Resolution No. 485 -- General Assembly, Directed Studies -- Requests State Board of Education to study grading policies in LEAs and report to 103rd General Assembly.

The Speaker announced that he had referred House Joint Resolution No. 485 to Committee on Education.

House Joint Resolution No. 509 -- Naming and Designating -- David Crockett Day, August 17, 2003.

The Speaker announced that he had referred House Joint Resolution No. 509 to Committee on State and Local Government.

House Joint Resolution No. 580 -- Memorials, Interns -- Russell W. Montgomery.

The Speaker announced that he had referred House Joint Resolution No. 580 to Committee on Calendar.

House Joint Resolution No. 581 -- Memorials, Personal Achievement -- Kimberley Locke, American Idol finalist.

The Speaker announced that he had referred House Joint Resolution No. 581 to Committee on Calendar.

House Joint Resolution No. 582 -- Memorials, Death -- Dallas Nelson.

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The Speaker announced that he had referred House Joint Resolution No. 582 to Committee on Calendar.

House Joint Resolution No. 583 -- Memorials, Academic Achievement -- Shauna Elizabeth Baird, graduation.

The Speaker announced that he had referred House Joint Resolution No. 583 to Committee on Calendar.

House Joint Resolution No. 584 -- Memorials, Academic Achievement -- Susan Catherine Fox, 2003 graduate, Nashville School of the Arts.

The Speaker announced that he had referred House Joint Resolution No. 584 to Committee on Calendar.

House Joint Resolution No. 585 -- Memorials, Personal Achievement -- Prentiss Elizabeth Cawein, Outstanding Young Woman of Memphis and Shelby County.

The Speaker announced that he had referred House Joint Resolution No. 585 to Committee on Calendar.

House Joint Resolution No. 586 -- Memorials, Professional Achievement -- Jack Looney, Friends of Farmers Award.

The Speaker announced that he had referred House Joint Resolution No. 586 to Committee on Calendar.

House Joint Resolution No. 587 -- Memorials, Professional Achievement -- Ernest Neal, Friends of Farmers Award.

The Speaker announced that he had referred House Joint Resolution No. 587 to Committee on Calendar.

House Joint Resolution No. 588 -- Memorials, Retirement -- Dr. Thomas King Campbell.

The Speaker announced that he had referred House Joint Resolution No. 588 to Committee on Calendar.

House Joint Resolution No. 589 -- Memorials, Academic Achievement -- Barton Williams, Valedictorian, Covington High School.

The Speaker announced that he had referred House Joint Resolution No. 589 to Committee on Calendar.

House Joint Resolution No. 590 -- Memorials, Retirement -- George T. Whitley, Publisher/Manager Covington Leader Newspaper.

The Speaker announced that he had referred House Joint Resolution No. 590 to Committee on Calendar.

House Joint Resolution No. 591 -- Memorials, Death -- Charlie Warren.

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The Speaker announced that he had referred House Joint Resolution No. 591 to Committee on Calendar.

House Joint Resolution No. 592 -- Memorials, Personal Occasion -- Elizabeth Brizendine, 100th birthday and Strawberry Parade Grand Marshal.

The Speaker announced that he had referred House Joint Resolution No. 592 to Committee on Calendar.

House Joint Resolution No. 593 -- Memorials, Interns -- Matthew A. Hood.

The Speaker announced that he had referred House Joint Resolution No. 593 to Committee on Calendar.

House Joint Resolution No. 594 -- Memorials, Retirement -- Dr. Donald Carson.

The Speaker announced that he had referred House Joint Resolution No. 594 to Committee on Calendar.

House Joint Resolution No. 598 -- Memorials, Recognition -- Eddie George.

The Speaker announced that he had referred House Joint Resolution No. 598 to Committee on Calendar.

Senate Joint Resolution No. 455 -- Memorials, Public Service -- University of Tennessee at Martin Alpha Tau Omega, Push for St. Jude.

The Speaker announced that he had referred Senate Joint Resolution No. 455 to Committee on Calendar.

Senate Joint Resolution No. 456 -- Memorials, Academic Achievement -- Brandy Ford, Valedictorian, Stewart County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 456 to Committee on Calendar.

Senate Joint Resolution No. 457 -- Memorials, Academic Achievement -- Audrey Smith, Salutatorian, Stewart County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 457 to Committee on Calendar.

Senate Joint Resolution No. 458 -- Memorials, Academic Achievement -- Brittany Barrett, Salutatorian, Riverside High School.

The Speaker announced that he had referred Senate Joint Resolution No. 458 to Committee on Calendar.

Senate Joint Resolution No. 459 -- Memorials, Academic Achievement -- Nick Griffin, Valedictorian, Riverside High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 459 to Committee on Calendar.

Senate Joint Resolution No. 460 -- Memorials, Academic Achievement -- Veronica Drolet, Valedictorian, Big Sandy High School.

The Speaker announced that he had referred Senate Joint Resolution No. 460 to Committee on Calendar.

Senate Joint Resolution No. 461 -- Memorials, Academic Achievement -- Mallory Hacker, Valedictorian, Henry County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 461 to Committee on Calendar.

Senate Joint Resolution No. 462 -- Memorials, Academic Achievement -- Bethany Holland, Salutatorian, Big Sandy High School.

The Speaker announced that he had referred Senate Joint Resolution No. 462 to Committee on Calendar.

Senate Joint Resolution No. 463 -- Memorials, Academic Achievement -- Delana Jean McDaniel, Valedictorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 463 to Committee on Calendar.

Senate Joint Resolution No. 464 -- Memorials, Academic Achievement -- Megan Suiter, Valedictorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 464 to Committee on Calendar.

Senate Joint Resolution No. 465 -- Memorials, Sports -- Michael Hill.

The Speaker announced that he had referred Senate Joint Resolution No. 465 to Committee on Calendar.

Senate Joint Resolution No. 466 -- Memorials, Death -- Ronnie Shipp.

The Speaker announced that he had referred Senate Joint Resolution No. 466 to Committee on Calendar.

Senate Joint Resolution No. 467 -- Memorials, Academic Achievement -- Tori Beth Buck, Salutatorian, York Institute.

The Speaker announced that he had referred Senate Joint Resolution No. 467 to Committee on Calendar.

Senate Joint Resolution No. 468 -- Memorials, Academic Achievement -- Robert Allen Cravens, Valedictorian, York Institute.

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The Speaker announced that he had referred Senate Joint Resolution No. 468 to Committee on Calendar.

Senate Joint Resolution No. 469 -- Memorials, Academic Achievement -- James Raymond Mitchell, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 469 to Committee on Calendar.

Senate Joint Resolution No. 470 -- Memorials, Academic Achievement -- Heather Chapman, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 470 to Committee on Calendar.

Senate Joint Resolution No. 471 -- Memorials, Academic Achievement -- Joshua Hayes, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 471 to Committee on Calendar.

Senate Joint Resolution No. 472 -- Memorials, Academic Achievement -- Deanna Hensley, Valedictorian, Midway High School.

The Speaker announced that he had referred Senate Joint Resolution No. 472 to Committee on Calendar.

Senate Joint Resolution No. 473 -- Memorials, Academic Achievement -- Emily Adelle Lassiter, Salutatorian, Oakdale School.

The Speaker announced that he had referred Senate Joint Resolution No. 473 to Committee on Calendar.

Senate Joint Resolution No. 474 -- Memorials, Academic Achievement -- Justin McKamey, Valedictorian, Stony Fork High School.

The Speaker announced that he had referred Senate Joint Resolution No. 474 to Committee on Calendar.

Senate Joint Resolution No. 475 -- Memorials, Academic Achievement -- Samantha Jolene Coffey, Valedictorian, Oakdale School.

The Speaker announced that he had referred Senate Joint Resolution No. 475 to Committee on Calendar.

Senate Joint Resolution No. 476 -- Memorials, Academic Achievement -- Ashley McKamey, Salutatorian, Stony Fork High School.

The Speaker announced that he had referred Senate Joint Resolution No. 476 to Committee on Calendar.

Senate Joint Resolution No. 477 -- Memorials, Interns -- Carrie Green.

The Speaker announced that he had referred Senate Joint Resolution No. 477 to Committee on Calendar.

Senate Joint Resolution No. 478 -- Naming and Designating -- Grants any Tennessee community raising American flags in specific program to honor veterans of United States Armed Forces designation "Flag City USA".

The Speaker announced that he had referred Senate Joint Resolution No. 478 to Committee on State and Local Government.

Senate Resolution No. 90 -- Memorials, Interns -- Erin Bumbalough.

The Speaker announced that he had referred Senate Resolution No. 90 to Committee on Calendar.

Senate Resolution No. 91 -- Memorials, Professional Achievement -- Walter W. Diggs, Joint Commission.

The Speaker announced that he had referred Senate Resolution No. 91 to Committee on Calendar.

Senate Resolution No. 92 -- Memorials, Interns -- Anna Enright.

The Speaker announced that he had referred Senate Resolution No. 92 to Committee on Calendar.

MOTION

Senator Henry moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 481**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 481 -- Memorials, Recognition -- USS Dashiell, 22nd reunion.

On motion of Senator Henry, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 481** was adopted.

A motion to reconsider was tabled.

CONSENT CALENDAR

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, May 22, 2003, pursuant to Rule 38: **House Joint Resolution No. 579**.

House Joint Resolution No. 560 -- Memorials, Interns -- Sharon Washington.

House Joint Resolution No. 561 -- Memorials, Sports -- Nashville Central Christian Warriors, boys' basketball team.

House Joint Resolution No. 562 -- Memorials, Sports -- Nashville Central Christian Warriors, junior high school girls' basketball team.

House Joint Resolution No. 563 -- Memorials, Interns -- Sharon Ann Fortner.

House Joint Resolution No. 565 -- Memorials, Congratulations -- Cookeville High School Cavalier Academic Team 2002-2003 season.

House Joint Resolution No. 566 -- Memorials, Personal Achievement -- Joshua David Jorgenson, volunteer work with Boy Scouts of America.

House Joint Resolution No. 567 -- Memorials, Academic Achievement -- Justin Newell, United States Achievement Academy English Award.

House Joint Resolution No. 568 -- Memorials, Interns -- Donnie Winningham.

House Joint Resolution No. 569 -- Memorials, Interns -- John Winnett.

House Joint Resolution No. 570 -- Memorials, Public Service -- Barbara Brown.

House Joint Resolution No. 571 -- Memorials, Professional Achievement -- Melvin Arnett, honored by Wilson County agricultural officials.

House Joint Resolution No. 573 -- Memorials, Sports -- Jackson County High School girls' basketball team.

House Joint Resolution No. 574 -- Memorials, Sports -- Brooke Armistead.

House Joint Resolution No. 575 -- Memorials, Sports -- Susie Gardner, Ohio Valley Conference Coach of the Year.

House Joint Resolution No. 576 -- Memorials, Sports -- Dave Loos, 2002-2003 OVC Men's Coach of the Year.

House Joint Resolution No. 577 -- Memorials, Sports -- Austin Peay State University women's basketball team.

House Joint Resolution No. 578 -- Memorials, Sports -- Austin Peay State University men's basketball team, OVC Tournament Champions.

Senate Joint Resolution No. 453 -- Memorials, Professional Achievement -- Cynthia A. Jones, National Teachers Hall of Fame.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kilby,

Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2026 -- Humboldt -- Subject to local approval, increases salary of mayor. Amends Chapter 61 of the Private Acts of 2001.

On motion, Senate Bill No. 2026 was made to conform with **House Bill No. 2115**.

On motion, House Bill No. 2115, on same subject, was substituted for Senate Bill No. 2026.

Senate Bill No. 2029 -- Hamilton County -- Subject to local approval, authorizes Chattanooga-Hamilton County Hospital Authority to take certain actions with respect to issuance, sale and terms of bonds, notes, refunding bonds and related contracts. Amends Chapter 297 of the Private Acts of 1976.

On motion, Senate Bill No. 2029 was made to conform with **House Bill No. 2116**.

On motion, House Bill No. 2116, on same subject, was substituted for Senate Bill No. 2029.

Senate Bill No. 2032 -- New Johnsonville -- Subject to local approval, decreases residency requirement to run for mayor or councilman from two years to one year; removes provision regarding elector signing more than one nominating petition. Amends Chapter 77 of the Private Acts of 1971.

On motion, Senate Bill No. 2032 was made to conform with **House Bill No. 2110**.

On motion, House Bill No. 2110, on same subject, was substituted for Senate Bill No. 2032.

Senate Bill No. 2033 -- New Johnsonville -- Subject to local approval, changes appointing authority for city clerk from mayor to city council. Amends Chapter 77 of the Private Acts of 1971; as amended.

On motion, Senate Bill No. 2033 was made to conform with **House Bill No. 2111**.

On motion, House Bill No. 2111, on same subject, was substituted for Senate Bill No. 2033.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that the Senate Message Calendar be considered next, which motion prevailed.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 718 -- Boats, Boating -- Requires persons age 12-17 to have safe boating certificate before operating unaccompanied boat or personal watercraft. Amends TCA Title 69, Chapter 10.

HOUSE AMENDMENT NO. 3

AMEND by deleting from the amendatory Section 69-10-226(b)(2) of Section 1 of the bill the language "a Tennessee wildlife resources agency approved safety orientation" and by substituting instead the language "a safety orientation".

Senator Burchett moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 718**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 792 -- Clerks, Court -- Transfers, effective by July 1, 2006, clerk functions of county clerk relative to probate matters to clerk of court that has probate jurisdiction or clerk and master. Amends TCA Title 16, Chapter 16 and Title 18, Chapter 6.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than thirty-nine thousand fifty (39,050) nor more than thirty-nine thousand one hundred fifty (39,150) according to the 2000 federal census or any subsequent federal census.

Senator Person moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 792**, which motion prevailed.

HOUSE AMENDMENT NO. 5

AMEND by deleting the second sentence of subsection (a) of the amendatory language of Section 2 and substituting instead the following:

No later than July 1, 2006, in any county in which the county clerk is performing this function, the duties as to administration of estates and guardian appointments shall be vested in either the clerk of the court with probate jurisdiction or the clerk and master.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than twelve thousand eight hundred (12,800) nor more than twelve thousand nine hundred (12,900) according to the 2000 federal census or any subsequent federal census. In any such county, the clerk who is serving as clerk of the court with probate jurisdiction on June 30, 2003, shall continue to serve as the clerk of the court with probate jurisdiction after the effective date of this act.

Senator Person moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 792**, which motion prevailed.

HOUSE AMENDMENT NO. 6

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than forty-three thousand one hundred (43,100) nor more than forty-three thousand two hundred (43,200) according to the 2000 federal census or any subsequent federal census.

Senator Person moved that the Senate concur in House Amendment No. 6 to **Senate Bill No. 792**, which motion prevailed.

HOUSE AMENDMENT NO. 7

AMEND by designating the existing language of subsection (a) of the amendatory language of Section 2 as (a)(1) and by adding the following new subsection (a)(2):

(2) The provisions of this subsection shall not apply in any county having a population of not less than seventy-one thousand one hundred (71,100) nor more than seventy-one thousand two hundred (72,200) according to the 2000 federal census or any subsequent federal census. In any such county, the county clerk shall continue to serve as clerk of the court with probate jurisdiction and such clerk shall continue to exercise the same powers and duties as it exercised on June 30, 2003.

Senator Person moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 792**, which motion prevailed.

HOUSE AMENDMENT NO. 8

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Senator Person moved that the Senate concur in House Amendment No. 8 to **Senate Bill No. 792**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1067 -- General Assembly, Studies -- Extends reporting deadline of special joint committee created to perform comprehensive analysis of predatory lending from February 28, 2003, to February 28, 2004. Amends Chapter 871 of the Public Acts of 2002.

HOUSE AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Any meetings that are held pursuant to this act shall occur in Nashville at such times as committee members are otherwise present to conduct business of the General Assembly.

Senator Herron moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 1067**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1332 -- Tort Liability -- Adds certain nonprofit public benefit corporations operating hospitals to definition of "governmental entity" applicable only in Shelby County for Governmental Tort Liability Act. Amends TCA Section 29-20-102.

HOUSE AMENDMENT NO. 1

AMEND by deleting the effective date section and by substituting instead the following:

(a) This act shall take effect July 1, 2003, the public welfare requiring it, and is repealed effective June 30, 2006, except to the extent otherwise provided by subsection (b).

(b) The provisions of this act shall apply to all claims filed on and after July 1, 2003 through June 30, 2006, and shall also apply to all other claims which arise on and after July 1, 2003 through June 30, 2006, even if the claims are filed subsequent to June 30, 2006.

Senator Ford moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1332**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by deleting the amendatory language of Section 1(3)(B)(ii) in its entirety and by substituting instead the following language:

(ii) Receives or leases real property from a county and/or municipality; and

Senator Ford moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 1332**, which motion prevailed

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1647 -- Sunset Laws -- State textbook commission, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 6.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 2. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding a new item thereto, as follows:

() State textbook commission, created by § 49-6-2201;

Senator Harper moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 1647**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1687 -- Courts, General Sessions -- Extends length of time for appeal from judgment in civil action from 10 entire days to 10 business days. Amends TCA Title 27.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

Section 27-1-124. Stay of execution - bond required in civil matters.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the appeal bond necessary to stay execution during the course of all appeals or discretionary reviews of that judgment by any appellate court shall be set in accordance with applicable laws or court rules, except that the total appeal bond that is required of all appellants shall not exceed seventy-five million dollars (\$75,000,000) regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter orders that:

(1) Are necessary to protect the appellee; and

(2) Require the appellant to post a bond in an amount up to the total value of the judgment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all cases pending on or filed on or after that date.

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1687**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 3

AMEND by adding the following new subsection to the amendatory Section 27-1-124 in Section 1:

(c) In the event this act is found to be in conflict with any rules prescribed by the Supreme Court, this act shall apply notwithstanding the provisions of Section 16-3-406.

Senator Haynes moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 1687**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1955 -- Children's Services, Dept. of -- Authorizes department to require funded child abuse service providers to collect identifying information on recipients of child abuse services in order to track effectiveness of such services.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "from" in the second line of subsection (b) of the amendatory language.

Senator Trail moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1955**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1959 -- Taxes, Sales -- Includes labor, building materials, and equipment in valuation of investment for purposes of meeting \$50 million threshold for sales and use tax credit for headquarters relocation.

HOUSE AMENDMENT NO. 2

AMEND by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-224, is amended by deleting that section in its entirety and by substituting instead the following language:

Section 67-6-224. (a) A taxpayer who establishes a "qualified headquarters facility" in this state shall be eligible for a credit of all state sales or use taxes paid to the state of Tennessee, except tax at the rate of one-half percent (0.5%), on the sales or use of "qualified tangible personal property".

(b) For purposes of this section, the following definitions shall apply:

(1) "Facility" means a building or buildings, either newly constructed, expanded, or remodeled, housing headquarters staff employees and located in a county or metropolitan statistical area in this state. A facility may include parking facilities exclusively for the use of headquarters staff employees and visitors provided, that the parking facilities are built in conjunction with the newly constructed, expanded, or remodeled building or buildings. An

expansion of a headquarters facility may be connected to or separate from a headquarters facility or other facilities located in a county or metropolitan statistical area in this state. The facility must be utilized as a headquarters facility for a period of at least ten (10) years beginning from the date of substantial completion;

(2) "Full-time employee job" means a permanent, rather than seasonal or part-time, employment position providing employment as a headquarters staff employee for at least twelve (12) consecutive months to a person for at least thirty-seven and one-half (37.5) hours per week with minimum health care, as described in Title 56, Chapter 7, Part 22;

(3) "Headquarters facility" means a facility in this state that houses the international, national, or regional headquarters of a taxpayer where headquarters staff employees are located and employed and where the primary headquarters related functions and services are performed;

(4) "Headquarters related functions and services" means those functions involving administrative, planning, research and development, marketing, personnel, legal, computer or telecommunications services performed by headquarters staff employees on an international, national, or regional basis. For purposes of this subsection, regional means a geographic area comprised of at least Tennessee and one (1) or more of its contiguous states. "Headquarters related functions and services" does not include functions involving manufacturing, processing, warehousing, distribution, wholesaling, or operating a call center;

(5) "Headquarters staff employees" means executive, administrative, or professional workers performing headquarters related functions and services. An executive employee is a full-time employee who is primarily engaged in the management of all or part of the enterprise. An administrative employee is a full-time employee who is not primarily involved in manual work and whose work is directly related to management policies or general headquarters operations. A professional employee is an employee whose primary duty is work requiring knowledge of an advanced type in a field of science or learning. This knowledge is characterized by a prolonged course of specialized study;

(6) "Investment period" means that the investment must be made during the period beginning one (1) year prior to the start of the construction, expansion, or remodeling and ending one (1) year after substantial completion of the construction, expansion, or remodeling of the facility. However, in no event shall the investment period exceed six (6) years;

(7) "Minimum investment" means:

(A) A minimum investment by the taxpayer and lessor to the taxpayer of fifty million dollars (\$50,000,000) or more in a building or buildings, either newly constructed, expanded, or remodeled; or

(B) A minimum investment by the taxpayer and the lessor to the taxpayer of twenty million dollars (\$20,000,000) in a building or buildings, either newly constructed, expanded, or remodeled, along with the creation of not less than two hundred (200) new full-time employee jobs created during the investment period with average wages or salaries equal to or greater than two hundred percent (200%) of the average wage in the county or the metropolitan statistical area in which the taxpayer is located, whichever is higher, as reported in the Monthly Labor Report published by the Department of Labor and Workforce Development for the month of January of the year in which such full-time employee jobs are created.

The minimum investment may include, but is not limited to, the purchase price of an existing building, and the cost of building materials, labor, equipment, parking facilities, and landscaping, but shall not include land or inventory;

(8) "New full-time employee job" means full-time headquarters staff employee jobs that are new to the state of Tennessee and, for at least ninety (90) days prior to being filled by the taxpayer, did not exist in Tennessee as a job position of the taxpayer or of another business entity. The new full-time employee jobs must be created and filled within the investment period. An employee in a new full-time employee job may be employed at a temporary location in this state pending completion of construction or renovation work at the qualified headquarters facility;

(9) "Qualified headquarters facility" means a headquarters facility where the taxpayer has made the minimum investment during the investment period;

(10) "Qualified tangible personal property" means building materials, machinery, and equipment used exclusively in the qualified headquarters facility and purchased or leased during the investment period. Qualified tangible personal property does not include supplies or repair parts. Qualified tangible personal property does not include any payments with respect to leases of qualifying tangible personal property which extend beyond the investment period. Qualified tangible personal property does not include any materials, machinery, or equipment that replaces tangible personal property that previously generated a credit under this section.

(c) A taxpayer qualifying for this credit must be subject to the taxes imposed by Chapter 4, Parts 20 and 21 of this title or be an insurance company as defined in § 56-1-102(2). The taxpayer shall not be permitted to take advantage of any additional sales tax or other state tax credits, exemptions, or reduced rates which would otherwise be available as a result of the same purchases or minimum investment, except the tax credits provided under §§ 67-4-2109(a), (b), and (c) and 67-4-2009(1) and (4)(A)(ii). A taxpayer qualifying for this reduced rate shall also not be permitted to utilize the credits available to hospital companies under § 67-4-2009.

(d)(1) A taxpayer seeking this credit shall first submit to the Commissioner of Revenue an application to qualify as a headquarters facility together with a

plan describing the investment to be made and, if applicable, documentation verifying employment and wage information. In the case of a leased facility, the lessor shall also file an application and plan. The application and plan shall be submitted on forms prescribed by the commissioner and shall demonstrate that the requirements of the law will be met.

(2) After approval of the application and business plan, the commissioner shall issue a letter to the taxpayer stating that the taxpayer has tentatively met the requirements for the credit provided for in this section.

(3) In order to receive the credit, the taxpayer must submit a claim for credit along with documentation as required by the commissioner showing that Tennessee sales or use taxes have been paid to the state on qualified tangible personal property. The taxpayer's claim for credit of sales or use taxes paid to Tennessee may include such taxes paid by the taxpayer, lessor in the case of a leased facility, contractors, and subcontractors on sales or use of qualified tangible personal property. Documentation verifying that the minimum investment requirements have been met shall include, but are not limited to, employment records, invoices, bills of lading, lease agreements, contracts, and all other pertinent records and schedules as required by the commissioner.

(4) The commissioner shall review the claim for credit and notify the taxpayer of the approved tax credit amount and provide direction for taking the credit. The taxpayer may not take the credit until the commissioner has notified the taxpayer of the amount approved and provided direction to the taxpayer on the proper methodology for taking the credit. The credit may only be taken by the taxpayer establishing the "qualified headquarters facility".

(e) If the minimum investment requirements are not made within the investment period, or the terms of this section are not met, the taxpayer shall be subject to assessment for any sales or use tax, penalty, or interest which would otherwise have been due and for which credit was taken. The statute of limitations shall not begin to run on these assessments until December 31 of the final year of the ten-year period provided for in subsection (b)(1).

(f) Credits under this section shall not reduce the taxes earmarked and allocated to education pursuant to § 67-6-103(c)(1).

SECTION 2. The Commissioner of Economic and Community Development shall make a biennial report to the General Assembly on activities or projects undertaken in accordance with the provisions of Section 67-6-224.

SECTION 3 This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all applications and plans filed on or after January 1, 2003, but shall be null and void and cease to be of effect on December 31, 2006.

Senator McLeary moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1959**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senator Crutchfield moved that **Senate Bill No. 1991** be considered out of order, which motion prevailed.

Senate Bill No. 1991 -- State Government -- Provides for changes in structure of state government programs in order to fund state budget. Amends TCA Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 44; Title 45; Title 49; Title 50; Title 51; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70; and Title 71.

On motion, Senate Bill No. 1991 was made to conform with **House Bill No. 2073**.

On motion, House Bill No. 2073, on same subject, was substituted for Senate Bill No. 1991.

Senator Crutchfield moved that Amendment No. 27 be placed before all other amendments, which motion prevailed.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 27

AMEND by deleting all language of the bill after the caption, including the enacting clause, and by substituting instead the following:

WHEREAS, in accordance with Article II, Section 24 of the Constitution of the State of Tennessee, expenditures of the state shall not exceed revenues and reserves for a fiscal year; and

WHEREAS, from time to time it becomes necessary that certain changes in the general law must be made to ensure the proper and constitutional management and stewardship of the State of Tennessee; and

WHEREAS, in order to effectuate this proper fiscal management of the state for the fiscal years beginning July 1, 2002 and July 1, 2003, it may become necessary to reallocate distributions within the funds and reserves of the State of Tennessee, modify certain programs and institutions of the state, and revise the allocation and sharing of revenues between the state and its various counties and municipalities; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-4-124, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 7, Part 2, is amended by adding the following as a new appropriately designated section:

"Implementation of salary increases pursuant to this part based on step schedules will be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to this part based on step schedules shall not include time of service between July 1, 2003 and June 30, 2004."

SECTION 3. Tennessee Code Annotated, Section 8-7-201, is amended by adding the following new subsection:

"(g) Implementation of salary increases pursuant to the pay schedules prescribed in this section shall be suspended for the fiscal year beginning July 1, 2003 and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to pay schedules prescribed in this section shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 4. Tennessee Code Annotated, Section 8-7-226, is amended by designating the existing language as subsection (a) and the following new language as subsection (b):

"Implementation of salary increases pursuant to the pay schedule prescribed in subsection (a) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to the pay schedule prescribed in subsection (a) shall not include time of service between July 1, 2003 and June 30, 2004."

SECTION 5. Tennessee Code Annotated, Section 8-7-230, is amended by designating the existing language as subsection (a) and the following new language as subsection (b):

"Implementation of salary increases pursuant to the pay schedule in subsection (a) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to the pay schedule prescribed in subsection (a) shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 6. Tennessee Code Annotated, Section 8-14-202(g), is amended by deleting the subsection in its entirety.

SECTION 7. Tennessee Code Annotated, Section 8-14-207(b), is amended by adding the following new subsection:

"(4) Implementation of salary increases pursuant to the pay schedule prescribed in subsection (b)(1) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in

subsequent fiscal years, salary increases pursuant to the pay schedule prescribed in subsection (b)(1) shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 8. Tennessee Code Annotated, Section 8-14-207(c), is amended by adding the following new subsection:

"(5) Implementation of salary increases pursuant to the pay schedule prescribed in subsection (c)(1) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to the pay schedule prescribed in subsection (c)(1) shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 9. Tennessee Code Annotated, Section 8-23-206(d)(2), is amended by inserting after the words "or otherwise" the following punctuation and words:

", or to such person who would have been eligible for such automatic annual raises in years when no such raise was implemented pursuant to this act."

SECTION 10. Tennessee Code Annotated, Title 8, Chapter 23, is amended by adding the following new section:

"Notwithstanding any law to the contrary, the commissioner of personnel, in consultation with the Commissioner of Finance and Administration, the state treasurer and other affected agency heads, may develop and implement a plan to employ nurses under which an employee may accrue full benefits while working a reduced schedule."

SECTION 11. Tennessee Code Annotated, Section 8-30-320(a)(1)(B), is amended by adding the following language between the second and third sentence of the subsection:

"Subject to certification by the Commissioner of Finance and Administration that the rainy day fund is likely to fall below one hundred million dollars (\$100,000,000), any notice required by this section may be reduced to a period of time no less than thirty (30) days."

SECTION 12. Tennessee Code Annotated, Section 9-4-211(a)(2), is amended by adding the following language as a new subsection (C):

"(C) The provisions of subsection (a)(2) of this section shall not apply for the fiscal year beginning on July 1, 2003 and ending on June 30, 2004."

SECTION 13. Tennessee Code Annotated, Section 12-4-320(a), is amended by deleting the phrase "The board for licensing health care facilities shall," and replacing it with the following phrase:

"The board for licensing health care facilities may,"

SECTION 14. Tennessee Code Annotated, Section 40-30-309, is amended by adding the following language as a new subsection (d):

"Notwithstanding any provisions of law to the contrary, any limitations on compensation and step increases that apply to district public defenders and assistant public defenders for the period of time beginning from the effective date of this act to June 30, 2004 shall also apply to post-conviction defenders and assistant post-conviction defenders. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to the pay schedule prescribed in this section shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 15. Tennessee Code Annotated, Section 38-6-102(d), is amended by deleting subsection (d) in its entirety.

SECTION 16. Tennessee Code Annotated, Section 50-6-127, is amended by deleting subsection (c) in its entirety.

SECTION 17. Tennessee Code Annotated, Section 55-4-103(h), is amended by deleting the year or word "2000" in both sentences and substituting instead the year or word "2006" in both sentences; by deleting the period "." at the end of the first sentence of subsection (h) and by inserting the following language at the end of the sentence:

"; provided, however, that the issue of the new registration plates on January 1, 2006, and any subsequent fifth anniversaries shall be deferred to a later January 1 if funds for the reissue of the registration plates are not appropriated specifically in the General Appropriations Act."

SECTION 18. Tennessee Code Annotated, Section 57-3-306, is amended by adding the following language as subdivision (b)(3):

"After making the distribution provided for in subsection (a) and subdivision (b)(2), but before the making the distributions provided for in subdivision (b)(1), nine percent (9%) of the amount otherwise allocated to counties shall be subtracted and distributed to the general fund."

SECTION 19. Tennessee Code Annotated, Section 57-4-306, is amended by adding the following as new appropriately designated subdivisions:

"() Before making the distributions provided for in this section, nine percent (9%) of the amount otherwise allocated to the counties shall be transmitted to the general fund.

"() Before making the distributions provided for in this section, nine percent (9%) of the amount otherwise allocated to municipalities shall be transmitted to the general fund."

SECTION 20. Tennessee Code Annotated, Section 57-5-205, is amended by adding the following as new appropriately designated subdivisions:

"() Before making the distributions provided for in this section, nine percent (9%) of the amount otherwise allocated to counties shall be transmitted to the general fund.

(_) Before making the distributions provided for in this section, nine percent (9%) of the amount otherwise allocated to municipalities shall be transmitted to the general fund.

SECTION 21. Tennessee Code Annotated, Section 4-6-110, is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 22. Tennessee Code Annotated, Section 8-30-101(23)(H), is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 23. Tennessee Code Annotated, Section 8-50-935, is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 24. Tennessee Code Annotated, Section 37-5-106, is amended by deleting item (16) and renumbering the remaining subsections accordingly.

SECTION 25. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by deleting § 37-5-121 in its entirety.

SECTION 26. Tennessee Code Annotated, Section 37-5-503(4), is amended by deleting the language "; and provided further, that the Tennessee Preparatory School is not excluded from approval pursuant to this part".

SECTION 27. Tennessee Code Annotated, Section 49-1-214(d), is amended by deleting the language ", the School for the Deaf, and the Tennessee Preparatory School" in its entirety and by substituting instead the language "and the School for the Deaf".

SECTION 28. Tennessee Code Annotated, Title 49, Chapter 50, Part 10, is amended by deleting § 49-50-1001 in its entirety and by substituting instead the following:

"Section 49-50-1001. It is the duty of the state board of education to:

(1)(A) Control the Tennessee School for the Blind, the Tennessee School for the Deaf and the Alvin C. York Agricultural Institute; to elect, on the recommendation of the commissioner, the president, superintendents, teachers, officers and other employees for such schools; to fix, on the recommendation of the commissioner, the salaries and terms of office of such officers and employees; and to prescribe curricula and other requirements for diplomas and degrees.

(B) For the purposes of this part, the following definitions apply:

(i) "Commissioner" means the Commissioner of Education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf and the Alvin C. York Agricultural Institute;

(ii) "Department" means the Department of Education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf and the Alvin C. York Agricultural Institute.

(2) Receive donations of money, property or securities from any source for the benefit of the institutions named in subdivision (a)(1), which funds it shall, in good faith, disburse in accordance with the conditions of such gifts. Subject to the terms and conditions of legislative appropriations therefore, the board shall have the power to purchase land, to condemn land, erect buildings and equip the same for the schools on such terms as it may deem advisable and advantageous and to pay for the same out of funds appropriated or donated to or for the schools; and the board shall be vested with title to property so purchased or acquired;

(3) Administer the Tennessee School for the Blind and the Tennessee School for the Deaf and to exercise with respect to these schools all the powers conferred upon it by § 12-1-109 and Chapter 10, Parts 8 and 9 of this title. Any funds or appropriations for the maintenance, improvement and/or operation of these institutions shall be added to those made for other educational purposes to be expended under the direction of the State Board of Education;

(4) Approve the budgets of the Tennessee School for the Blind and the Tennessee School for the Deaf, before they are submitted to the governor and Commissioner of Revenue for approval and transmission to the General Assembly;

(5) Develop and adopt rules and regulations to achieve for the school year a duty-free lunch period for all teachers, kindergarten through grade twelve (K-12), of at least the length of the student lunch period, during which time the teacher has no other assigned responsibilities;

(6) Employ elementary guidance counselors consistent with the requirements for local education agencies set forth in § 49-6-303; and

(7) Promulgate rules providing employees of the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Institute, and any other special school hereafter established, the right to appeal decisions of the commissioner relative to adverse job actions, to the full board. Rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Appeals filed pursuant to rules promulgated in compliance with this section shall be contested cases under Title 4, Chapter 5, Part 3."

SECTION 29. Tennessee Code Annotated, Section 49-50-1002(a), is amended by deleting the language "the Tennessee Preparatory School,".

SECTION 30. Tennessee Code Annotated, Section 49-50-1003(a), is amended by deleting the language "the Tennessee Preparatory School,".

SECTION 31. Tennessee Code Annotated, Section 55-4-215(b), is amended adding the following language as a new Part (4):

"(4) Before the revenue allocated in Part (1) and (2) of this subsection are granted to the particular local arts organizations or events, an amount not to exceed

three hundred ninety three thousand six hundred dollars (\$393,600) may be expended for other grants and activities as determined by the commission."

SECTION 32. Tennessee Code Annotated, Section 67-2-119, is amended by adding the following new language as a new section:

"(e) Before making the distributions as specified by this section to the cities and counties of this state, one-third (1/3) of the amount otherwise allocated to the cities and counties shall be transmitted to the general fund."

SECTION 33. Tennessee Code Annotated, Section 67-4-409(g), is amended by deleting the language in subsection (g) in its entirety and by replacing it with the following new language:

"Three and one-fourth cents (3.25c) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "1986 wetland acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund."

SECTION 34. Tennessee Code Annotated, Section 67-4-409(i), is amended by deleting the language in subsection (i) in its entirety and by replacing it with the following new language:

"One and three-fourth cents (1.75c) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "local park lands acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund."

SECTION 35. Tennessee Code Annotated, Section 67-4-409(j), is amended by deleting the language in subsection (j) in its entirety and by replacing it with the following new language:

"One and one-half cents (1.5c) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "state land acquisition fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund."

SECTION 36. Tennessee Code Annotated, Section 67-4-409(l), is amended by deleting the language in subsection (l) in its entirety and by replacing it with the following new language:

"One and one-half cents (1.5c) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "agricultural resource conservation fund". If such an allocation is not made in the appropriations act then such amount shall be credited to the general fund."

SECTION 37. Tennessee Code Annotated, Section 67-4-2004(2)(A)(iii), is amended by adding the following as a new subitem immediately after the existing subitem (f) and relettering the remaining subitems accordingly:

"(g) The holding of participation loans in which more than one (1) lender is a creditor to a common borrower."

SECTION 38. Tennessee Code Annotated, Section 67-4-2105, is amended by inserting the words and punctuation "except for a financial institution included in a unitary group of financial institutions otherwise subject to franchise and excise taxes," immediately after the words and punctuation "Notwithstanding any other provision to the contrary," in subsection (f).

SECTION 39. Tennessee Code Annotated, Section 67-4-2004(8), is amended by deleting the language in subsection (8) in its entirety and by replacing it with the following new language:

"Financial institution" means a holding company, any regulated financial corporation, a subsidiary of a holding company or a regulated financial corporation, an investment entity that is indirectly more than 50% owned by a holding company or a regulated financial corporation, or any other person that is carrying on the business of a financial institution. However, "financial institution" does not include insurance companies subject to tax under Tennessee Code Annotated, Sections 56-4-201 through 56-4-214;

SECTION 40. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new subitem and renumbering the remaining subitems accordingly:

"Investment entity" means any person that receives more than 50% of its gross income from investment securities and from the business of a financial institution;

SECTION 41. Tennessee Code Annotated, Section 67-4-2004, is amended by adding the following as a new subitem and renumbering the remaining subitems accordingly:

"Investment securities" means for purposes of this section any note, United States treasury securities, obligations of United States government agencies and corporations, obligations of state and political subdivisions, corporate debt securities, participations in securities backed by mortgages held by the United States or state government agencies, loan-backed securities, bonds, debenture, evidence of indebtedness, and other similar debt investments;

SECTION 42. Tennessee Code Annotated, Section 67-4-2017(a)(1), is amended by adding the following language as a new subsection (G):

"(G) Before making the distributions provided for in this subsection, nine percent (9%) of the amount otherwise allocated to the counties shall be transmitted to the general fund. Before making the distributions provided for in this subsection, nine percent (9%) of the amount otherwise allocated to the municipalities shall be transmitted to the general fund."

SECTION 43. Tennessee Code Annotated, Section 67-6-103(a)(1), is amended by deleting the word and figures "Twenty-nine and two hundred and forty-six ten thousandths percent (29.0246%)" and replacing them with the words and figures "Twenty-nine and forty-three hundred seventy-nine ten thousandths percent (29.4379%)".

SECTION 44. Tennessee Code Annotated, Section 67-6-103(a)(3)(A), is amended by deleting the words and figures "Four and fifty-nine hundred twenty-five ten thousandths percent (4.5925%)" and replacing them with the words and figures "Four and twenty-four hundred sixty-two ten thousandths percent (4.2462%)".

SECTION 45. Tennessee Code Annotated, Section 67-7-110(b), is amended by deleting the words and figures "three percent (3%)" and replacing them instead with the words and figures "eleven and seventy-three hundredths percent (11.73%)".

SECTION 46. Tennessee Code Annotated, Section 67-6-710, is amended by adding the following as a new appropriately designated subdivision under subsection (f):

"(3) Before making the distributions to counties of revenue from taxes authorized by § 67-6-702(g) as provided in this subsection, nine percent (9%) of the amount otherwise allocated to counties shall be transmitted to the state general fund."

SECTION 47. Tennessee Code Annotated, Section 68-1-1503(a), is amended by deleting the phrase "The commissioner of health shall:" and replacing it with the following phrase:

"The commissioner of health may:"

SECTION 48. Tennessee Code Annotated, Section 68-1-1503(b), is amended by deleting the phrase "The commissioner of health shall establish," and replacing it with the following phrase:

"The Department of Health may establish,"

SECTION 49. Tennessee Code Annotated, Section 68-49-101, is amended by deleting the phrase "The Department of Health shall establish" and replacing it with the following phrase:

"The Department of Health may establish"

SECTION 50. Tennessee Code Annotated, Section 70-1-309, is amended by inserting after the word and punctuation "fiscal year." The following language:

"Implementation of salary increases pursuant to such salary administration plan shall be suspended for the fiscal year beginning July 1, 2003 and ending June 30, 2004. In the fiscal year beginning July 1, 2004, and in subsequent fiscal years, salary increases pursuant to the salary administration plan shall not include time of service between July 1, 2003, and June 30, 2004."

SECTION 51. Tennessee Code Annotated, Title 4, Chapter 3, Part 10, is amended by adding the following language as a new section:

(a) Notwithstanding any provision of the law to the contrary, subject to the specific provisions of an appropriation act, the Commissioner of Finance and Administration is authorized to deny carry forwards for, and to transfer funds from, the funds, reserves accounts or programs identified in subsection (c) to the state general fund for the purpose of meeting the requirements of funding the operations of state government for the fiscal year ending June 30, 2003. The authorization provided for in the preceding sentence shall not apply to allow the transfer of any fund balances which are mandated by federal law to be retained in such fund. This authority shall apply to transfers and carry forwards necessary to fund the expenditures for the state for the fiscal years ending June 30, 2003 and June 30, 2004.

(b) No funds shall be transferred unless specifically appropriated in an appropriations act and such funds shall only be expended in accordance with the provisions of such act.

(c) Transfers are authorized from the following funds, reserve accounts and programs:

(1) Tennessee Housing Development Authority assets funds created or referenced in Title 13, Chapter 23, Part 4;

(2) Parole and probation supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(3) Department of Correction work release supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(4) Temporary assistance for needy families Families First Program created or referenced in Title 71, Chapter 3, Part 1;

(5) Department of Safety computerized titling and registration system accumulated fees created or referenced in Title 55, Chapter 4, Part 1;

(6) Wetland acquisitions fund created or referenced in Title 67, Chapter 4, Part 4;

(7) Wetland compensation fund created or referenced in Title 11, Chapter 14, Part 4;

(8) Local parks land acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(9) State lands acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(10) State land compensation fund created or referenced in Title 11, Chapter 14, Part 4;

(11) Agriculture resource conservation fund created or referenced in Title 67, Chapter 4, Part 4;

(12) Alcohol and drug addiction treatment fund created or referenced in Title 40, Chapter 33, Part 2;

(13) Traumatic brain injury fund created or referenced in Title 68, Chapter 55, Part 4;

(14) Finance and Administration electronic fingerprint imaging systems fund created or referenced in Title 67, Chapter 4, Part 6;

(15) Tennessee Bureau of Investigation fingerprint criminal history data base accumulated fees created or referenced in Title 39, Chapter 17, Part 13;

(16) Tennessee Bureau of Investigation expunged criminal offender pretrial diversion data base accumulated fees created or referenced in Title 38, Chapter 6, Part 1 and Title 40, Chapter 32, Part 1;

(17) Department of Safety driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(18) Department of Education driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(19) Motorcycle rider safety fund created or referenced in Title 55, Chapter 51, Part 1;

(20) Sex offender treatment program created or referenced in Title 39, Chapter 13, Part 7;

(21) Industries for the blind fund created or referenced in Title 71, Chapter 4, Part 4;

(22) Voting machines loan fund created or referenced in Title 2, Chapter 9, Part 1;

(23) Domestic violence community education fund created or referenced in Title 36, Chapter 3, Part 6;

(24) Tennessee judicial information system fund created or referenced in Title 16, Chapter 3, Part 8;

(25) Tennessee advisory commission on intergovernmental relations accumulated balances or carry over funds created or referenced in Title 4, Chapter 10, Part 1;

(26) Safe schools program created or referenced in Title 49, Chapter 6, Part 43;

(27) Special schools created or referenced in Title 49, Chapter 50, Part 10;

(28) Notwithstanding T.C.A. Sections 54-2-102 and 54-2-103 or any other provision of law to the contrary, Department of Transportation funds in the highway fund or other funds created or referenced in Titles 54, 55, 57, 65 and 67;

(29) Fraud and economic crimes funds created or referenced in Title 40, Chapter 3, Part 2;

(30) Emergency communications funds created or referenced in Title 7, Chapter 86, Part 1;

(31) Deferred revenue account created or reference in Title 65, Chapter 1, Part 2 and any other reserve fund maintained by the Tennessee regulatory authority;

(32) Health service development agency fund created or referenced in Title 68, Chapter 11, Part 16;

(33) Oil and gas reclamation fund created or referenced in Title 60, Chapter 1, Part 4;

(34) State board of accountancy fund created or referenced in Title 62, Chapter 1, Part 1;

(35) Nursing home residents fund created or referenced in Title 68, Chapter 11, Part 8;

(36) Agricultural regulatory fund created or referenced in Title 43, Chapter 1, Part 7;

(37) Dairy promotion board fund created or referenced in Title 44, Chapter 19, Part 1;

(38) Hazardous waste remedial action fund created or referenced in Title 68, Chapter 212, Part 2;

(39) Voluntary cleanup fund created or referenced in Title 68, Chapter 212, Part 2;

(40) Underground storage tanks fund created or referenced in Title 68, Chapter 215, Part 1;

(41) Surface mine reclamation fund created or referenced in Title 59, Chapter 8, Part 2;

(42) Divorcing parents mediation fund created or referenced in Title 36, Chapter 6, Part 4;

(43) Division of regulatory boards fund created or referenced in Title 56, Chapter 1, Part 3;

(44) Child safety fund created or referenced in Title 55, Chapter 9, Part 6;

(45) Health access incentive fund created or referenced in Title 66, Chapter 29, Part 1;

(46) Solid waste fund created or referenced in Title 68, Chapter 211, Part 8;

(47) Used oil collection fund created or referenced in Title 68, Chapter 211, Part 10;

(48) Drycleaner environmental response fund created or referenced in Title 68, Chapter 217, Part 1;

(49) Minority-owned telecom business fund created or referenced in Title 65, Chapter 5, Part 2;

(50) Real estate education and recovery education fund created or referenced in Title 62, Chapter 13, Part 2;

(51) Real estate education and recovery claims fund created or referenced in Title 62, Chapter 13, Part 2;

(52) Auctioneer education and recovery fund created or referenced in Title 62, Chapter 19, Part 1;

(53) C.I.D. anti-theft fund created or referenced in Title 55, Chapter 3, Part 2;

(54) Railroad inspection fee created or referenced in Title 65, Chapter 3, Part 2;

(55) Utility relocation loan program fund created or referenced in Title 67, Chapter 3, Part 20;

(56) Education trust fund created or referenced in Title 49, Chapter 3, Part 3;

(57) Environmental protection fund created or referenced in Title 68, Chapter 203, Part 1;

(58) Lead based paint abatement fund created or referenced in Title 68, Chapter 131, Part 4;

(59) Employment security special administration fund created or referenced in Title 50, Chapter 7, Part 5;

(60) Insurance fees created or referenced in Title 56, Chapter 2, Part 5; Title 56, Chapter 4, Part 1; Title 56, Chapter 6, Part 1; Title 56, Chapter 14,

Part 1; Title 56, Chapter 32, Part 2; Title 56, Chapter 35, Part 1; and Title 55, Chapter 18, Part 1;

(61) Reserves for casualty losses created or referenced in Title 12, Chapter 3, Parts 6 and 9;

(62) Health related board fund created or referenced in Title 63, Chapter 1, Part 1.

SECTION 52. Tennessee Code Annotated, Section 67-4-1708, is amended by deleting subsection (c) in its entirety and substituting instead the following language:

"(c) All persons who were licensed or registered to engage in a vocation, profession, business, or occupation subject to this tax on June 1, 2003, but who were exempt from the tax on that date because of the operation of the provision on Section 7(b) of Chapter 856 of the Public Acts of 2002, and who continue to hold such license or registration on June 30, 2003 are hereby declared to be liable for the tax imposed by this part, which shall be payable on June 30, 2003."

SECTION 53. Tennessee Code Annotated, Section 67-4-1709, is amended by deleting the language of that section in its entirety and substituting instead the following:

"(a) Each individual licensed or registered to engage in a vocation, profession, business, or occupation listed in § 67-4-1702(a) shall be liable for the tax. Any employer, including any governmental entity, may choose to remit the tax imposed by this part on behalf of persons subject to the tax who are employed by such employer."

SECTION 54. Tennessee Code Annotated, Section 2-12-209(a), is amended by designating the current language as subsection (a)(1) and adding the following language as a new subsection (a)(2):

"In years in which the secretary of state is required to reduce the department of state's budget, the secretary is authorized to reduce any appropriations authorized by this section up to nine percent (9%)."

SECTION 55. Tennessee Code Annotated, Title 8, Chapter 3, Part 1, is amended by adding the following language as a new appropriately designated section:

(a) The secretary of state is authorized to accept donations from persons, political subdivisions, foundations, corporations, firms or any other business entity for the express purpose of publishing the Tennessee Blue Book. The secretary of state shall control all aspects of the publication and distribution of the book including, but not limited to, complete editorial control, quantity published and distribution. No benefactor shall have authority to interfere with any aspect of development, publication, quantity published or distribution of the book.

(b) The secretary of state will determine the amount of money needed to publish the quantity desired and shall have the sole authority to select the benefactor(s). The funds received shall be used for the publication and distribution of the book. Such funds shall not revert to the general fund but shall be carried forward to the next fiscal year and remain available to the secretary of state until expended for

the publications and distribution of future editions. None of these funds shall be used for the payment of employees' salaries.

(c) Acknowledgement of the chosen benefactors shall be included in the preface of the book. An appropriate acknowledgement shall be given based on generosity of the benefactor. Acknowledgement shall be in the form of a letter from the secretary of state acknowledging the gift in a separate listing in the preface of the book. Notwithstanding any provisions of the law to the contrary, a benefactor shall have the first option of being chosen as the benefactor(s) of the next edition of the Tennessee Blue Book.

(d) The secretary of state shall maintain a list of all benefactors that shall include names, addresses and the amount of the benefactor's donation. Such a list shall be open and available to public inspection.

SECTION 56. Tennessee Code Annotated, Section 71-1-104(b), is amended by deleting the "." at the end of the subsection and inserting the following language and punctuation as follows:

" , unless the state finds in its sole discretion that it is in the state's best interest to allow such property and production equipment to be sold to such contractor or his successor at such time as the contractor or his successor shall cease operating a workshop for the benefit of the blind. If the state deems it appropriate to convey such property and production equipment to the contractor, then the amount of remuneration to be paid by the contractor or its successor to the state shall be determined at the time the real property and production equipment is originally conveyed to the contractor, to be based upon the appraised value of the real property and production equipment at the time of the original conveyance to the contractor."

SECTION 57. Tennessee Code Annotated, Section 4-31-108(i)(6), is amended by adding the following language at the end of the sentence of the subitem:

"in accordance with the applicable provisions of the general appropriations bill."

SECTION 58. Tennessee Code Annotated, Section 41-8-106(g), is amended by adding the following new language at the end of the subsection:

"The rate of this compensation to the said counties shall be determined by and is subject to the level of funding authorized in the appropriations bill."

SECTION 59. Tennessee Code Annotated, Section 49-3-306(d), is amended by deleting the second sentence.

SECTION 60. Tennessee Code Annotated, Section 49-3-352, is amended by adding the following sentence at end of subsection (c):

"Notwithstanding the provisions of this section or any other provisions of the law to the contrary, in any fiscal year in which state-shared revenues distributed to counties are reduced below the levels distributed to counties in the 2002-2003 fiscal year, any or all to the accumulated fund balance may be used for education purposes without restrictions."

SECTION 61. Tennessee Code Annotated, Section 55-4-274(b), is amended by deleting such subsection in its entirety and replacing it instead with following new language:

"(b) Effective July 1, 2003, the funds derived from the sale of such Radnor Lake new specialty earmarked license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be allocated to The Friends of Radnor Lake in accordance with the provisions of Section 55-4-215. Such funds shall be used exclusively to protect, preserve and promote the natural integrity of Radnor Lake Natural Area in Davidson County."

SECTION 62. Tennessee Code Annotated, Section 68-11-830(d)(2)(B) and 68-11-830(d)(10), are amended by deleting the language "July 15, 2003" in both subsections and substituting instead the language "July 15, 2005" in both subsections.

SECTION 63. Notwithstanding the provision of Section 8-6-104 or any other law to the contrary, the salary of the attorney general and reporter during the fiscal year 2003-2004 shall be the same as during the fiscal year 2002-2003. There shall be no cost of living or other adjustment to such salary during fiscal year 2003-2004.

SECTION 64. Tennessee Code Annotated, Section 4-31-104, is amended by adding the following new section as follows:

"() For purposes of financing the acquisitions and improvements of facilities previously financed under the provisions of Part 7 hereof and from funds available, to lend moneys to local government units to be repaid with revenues of such facilities under such terms and conditions deemed appropriate by authority."

SECTION 65. Tennessee Code Annotated, Title 4, Chapter 31, Part 1, is amended by adding the following new section:

"4-31-1___. (a) The authority may enter into loan agreements with any local government unit and any local government unit may enter into loan agreements with the authority for loans for acquisitions and improvement of facilities previously financed under provisions of Part 7 hereof.

(b) Any loan agreement may include such provisions as may be agreed upon by the authority and the local government and shall additionally include, in substance, the following:

(1) The amount of the loan as determined by the authority;

(2) An agreement by the authority to pay part of the amount of the loan to the local government unit during the progress of the acquisition or improvement, or to pay the amount of the loan following completion of the acquisition or improvement, as may be agreed upon by the parties; and

(3) An agreement by the local government unit:

(A) To proceed expeditiously with and complete the project;

(B) To commence operation of the project on its completion, and not to discontinue operations or dispose of the project without the approval of the authority;

(C) To operate and maintain the project in accordance with applicable provisions of this part and in compliance with rules and regulations of the authority;

(D) Not to contract with any corporation for profit, private person or firm for that operation of the same notwithstanding the provisions of any law authorizing such contracts, except upon approval by the authority of an application to the authority;

(E) To pledge any available sources of revenue to make payment according to a schedule established by the authority, and to make such payments; and

(F) To establish and maintain adequate financial records for the project, and to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the comptroller.

(c) The authority may promulgate any additional rules or regulations concerning the contract and charges in operations of a capital project.

SECTION 66. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 67. Tennessee Code Annotated, Title 9, Chapter 4, Part 51, is amended by adding the following language as a new appropriately designated section:

"9-4-5116. No state funds shall be expended to perform abortions. The limitations established in this section shall not apply to an abortion if:

(1) The pregnancy is the result of an act of rape or incest;

(2) In the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless the abortion is performed."

SECTION 68. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 69. Sections 37 through 41 of this act shall take effect upon becoming a law and shall apply to tax years beginning on or after March 13, 2003, the public welfare requiring it.

SECTION 70. Sections 33 through 36 of this act shall take effect on August 1, 2003 and shall be repealed on June 30, 2007, at which time the provisions of Tennessee Code Annotated amended by Sections 33 through 36 of this act shall be revived and shall be in effect as they existed immediately prior to the effective date of Sections 33 through 36 of this act.

SECTION 71. Sections 18 through 20, 32, and 42 through 46 of this act shall take effect August 1, 2003, the public welfare requiring it.

SECTION 72. Sections 52 and 53 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 52 is repealed effective September 1, 2003, at which time the provisions of Tennessee Code Annotated amended by Section 52 of this act shall be revived and shall be in effect as they existed immediately prior to the effective date of Section 52 of this act.

SECTION 73. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Senator Crutchfield moved that Amendment No. 1 to Amendment No. 27 be withdrawn, which motion prevailed.

Thereupon, Amendment No. 27 was adopted by the following vote:

Ayes	31
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator present and not voting was: Cohen--1.

Senator McLeary moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator McLeary moved that Amendment No. 2 be withdrawn, which motion prevailed.

Senator McLeary moved that Amendment No. 3 be withdrawn, which motion prevailed.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the second sentence of the amendatory language of Section 2 of the bill.

Senator Ramsey moved that Amendment No. 1 to Amendment No. 4 be placed behind Amendment No. 7 to Amendment No. 4, which motion prevailed.

Senator Ramsey moved that Amendment No. 2 to Amendment No. 4 be placed behind Amendment No. 7 to Amendment No. 4, which motion prevailed.

Senator Fowler moved that Amendment No. 3 to Amendment No. 4 be placed behind Amendment No. 7 to Amendment No. 4, which motion prevailed.

Senator Fowler moved that Amendment No. 4 to Amendment No. 4 be placed behind Amendment No. 7 to Amendment No. 4, which motion prevailed.

Senator Clabough moved that Amendment No. 5 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 6 TO AMENDMENT NO. 4

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-4-124, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 7, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 4-7-209. Implementation of salary increases pursuant to this part based on step schedules shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to this part based on step schedules shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 3. Tennessee Code Annotated, Section 8-7-201, is amended by adding the following language as a new, appropriately designated subsection:

(g) Implementation of salary increases pursuant to the pay schedule prescribed in this section shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to this section shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 4. Tennessee Code Annotated, Section 8-7-226, is amended by designating the existing language as subsection (a) and by adding the following new language, to be designated as subsection (b):

(b) Implementation of salary increases pursuant to the pay schedule prescribed in subsection (a) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to subsection (a) shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 5. Tennessee Code Annotated, Section 8-7-230, is amended by designating the existing language as subsection (a) and by adding the following new language, to be designated as subsection (b):

(b) Implementation of salary increases pursuant to the pay schedule prescribed in subsection (a) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to subsection (a) shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 6. Tennessee Code Annotated, Section 8-14-202(g), is amended by deleting the subsection in its entirety.

SECTION 7. Tennessee Code Annotated, Section 8-14-207(b), is amended by adding the following language as a new, appropriately designated subdivision:

(4) Implementation of salary increases pursuant to the pay schedule prescribed in subdivision (b)(1) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to subdivision (b)(1) shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 8. Tennessee Code Annotated, Section 8-14-207(c), is amended by adding the following language as a new, appropriately designated subdivision:

(5) Implementation of salary increases pursuant to the pay schedule prescribed in subdivision (c)(1) shall be suspended for the fiscal year beginning July 1, 2003, and ending June 30, 2004. In the fiscal year beginning July 1, 2004, salary increases pursuant to subdivision (c)(1) shall not include time of service between July 1, 2003, and June 30, 2004.

SECTION 9. Tennessee Code Annotated, Section 8-23-206(d)(2), is amended by inserting after the words "or otherwise" the following punctuation and words:

, or to such person who would have been eligible for such automatic annual raises in years when no such raise was implemented pursuant to this act.

SECTION 10. Tennessee Code Annotated, Title 8, Chapter 23, Part 2, is amended by adding the following language as a new, appropriately designated section:

§ 8-23-209. Notwithstanding any law to the contrary, the commissioner of personnel, in consultation with the Commissioner of Finance and Administration, the state treasurer and other affected agency heads, may develop and implement a plan to employ nurses under which an employee may accrue full benefits while working a reduced schedule.

SECTION 11. Tennessee Code Annotated, Section 8-30-320(a)(1)(B), is amended by replacing the period with a comma at the end of the third sentence and by adding the following language:

subject to certification by the Commissioner of Finance and Administration that the rainy day fund is reasonably likely to fall below one hundred million dollars (\$100,000,000), any notice required by this section may be reduced to a period of time no less than thirty (30) days.

SECTION 12. Tennessee Code Annotated, Section 9-4-211(a)(2), is amended by adding the following language as a new, appropriately designated item:

(C) The provisions of subdivision (a)(2) of this section shall not apply for the fiscal year beginning on July 1, 2003, and ending on June 30, 2004.

SECTION 13. Tennessee Code Annotated, Section 12-4-320(a), is amended by deleting the words and punctuation "The board for licensing health care facilities shall," and by substituting instead the following:

The board for licensing health care facilities may,

SECTION 14. Tennessee Code Annotated, Section 40-30-309, is amended by adding the following language as a new, appropriately designated subsection:

(d) Notwithstanding any provision of law to the contrary, any limitations on compensation and step increases that apply to district public defenders and assistant public defenders for the period of time beginning from the effective date of this act to June 30, 2004, shall also apply to post-conviction defenders and assistant post-conviction defenders.

SECTION 15. Tennessee Code Annotated, Section 38-6-102(d), is amended by deleting the subsection in its entirety.

SECTION 16. Tennessee Code Annotated, Section 50-6-127(c), is amended by deleting the subsection in its entirety.

SECTION 17. Tennessee Code Annotated, Section 55-4-103(h), is amended by deleting the year or word "2000" in both sentences and substituting instead the year or word "2006" in both sentences; by deleting the period "." at the end of the first sentence of subsection (h) and by inserting the following language at the end of the sentence:

; provided, however, that the issue of the new registration plates on January 1, 2006, and any subsequent fifth anniversaries shall be deferred to a later January 1 if funds for the reissue of the registration plates are not appropriated specifically in the General Appropriations Act.

SECTION 18.

SECTION 19.

SECTION 20.

SECTION 21. Tennessee Code Annotated, Section 4-6-110, is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 22. Tennessee Code Annotated, Section 8-30-101(23)(H), is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 23. Tennessee Code Annotated, Section 8-50-935, is amended by deleting the language ", the Tennessee Preparatory School".

SECTION 24. Tennessee Code Annotated, Section 37-5-106, is amended by deleting item (16) and by renumbering the remaining items accordingly.

SECTION 25. Tennessee Code Annotated, Section 37-5-121, is amended by deleting the section in its entirety.

SECTION 26. Tennessee Code Annotated, Section 37-5-503(4), is amended by deleting the language "; and provided further, that the Tennessee Preparatory School is not excluded from approval pursuant to this part".

SECTION 27. Tennessee Code Annotated, Section 49-1-214(d), is amended by deleting the language ", the School for the Deaf, and the Tennessee Preparatory School" in its entirety and by substituting instead the language "and the School for the Deaf".

SECTION 28. Tennessee Code Annotated, Section 49-50-1001, is amended by deleting the section in its entirety and by substituting instead the following:

It is the duty of the state board of education to:

(1)(A) Control the Tennessee School for the Blind, the Tennessee School for the Deaf and the Alvin C. York Agricultural Institute; to elect, on the recommendation of the commissioner, the president, superintendents, teachers, officers and other employees for such schools; to fix, on the recommendation of the commissioner, the salaries and terms of office of such officers and employees; and to prescribe curricula and other requirements for diplomas and degrees.

(B) For the purposes of this part, the following definitions apply:

(i) "Commissioner" means the Commissioner of Education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf and the Alvin C. York Agricultural Institute;

(ii) "Department" means the Department of Education in any reference to the Tennessee School for the Blind, Tennessee School for the Deaf and the Alvin C. York Agricultural Institute.

(2) Receive donations of money, property or securities from any source for the benefit of the institutions named in subdivision (a)(1), which funds it shall, in good faith, disburse in accordance with the conditions of such gifts. Subject to the terms and conditions of legislative appropriations therefore, the board shall have the power to purchase land, to condemn land, erect buildings and equip the same for the schools on such terms as it may

deem advisable and advantageous and to pay for the same out of funds appropriated or donated to or for the schools; and the board shall be vested with title to property so purchased or acquired;

(3) Administer the Tennessee School for the Blind and the Tennessee School for the Deaf and to exercise with respect to these schools all the powers conferred upon it by § 12-1-109 and Chapter 10, Parts 8 and 9 of this title. Any funds or appropriations for the maintenance, improvement and/or operation of these institutions shall be added to those made for other educational purposes to be expended under the direction of the state board of education;

(4) Approve the budgets of the Tennessee School for the Blind and the Tennessee School for the Deaf, before they are submitted to the Governor and Commissioner of Revenue for approval and transmission to the General Assembly;

(5) Develop and adopt rules and regulations to achieve for the school year a duty-free lunch period for all teachers, kindergarten through grade twelve (K-12), of at least the length of the student lunch period, during which time the teacher has no other assigned responsibilities;

(6) Employ elementary guidance counselors consistent with the requirements for local education agencies set forth in § 49-6-303; and

(7) Promulgate rules providing employees of the Tennessee School for the Blind, the Tennessee School for the Deaf, the Alvin C. York Agricultural Institute, and any other special school hereafter established, the right to appeal decisions of the commissioner relative to adverse job actions, to the full board. Rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Appeals filed pursuant to rules promulgated in compliance with this section shall be contested cases under Title 4, Chapter 5, Part 3."

SECTION 29. Tennessee Code Annotated, Section 49-50-1002(a), is amended by deleting the language "the Tennessee Preparatory School,".

SECTION 30. Tennessee Code Annotated, Section 49-50-1003(a), is amended by deleting the language "the Tennessee Preparatory School,".

SECTION 31. Tennessee Code Annotated, Section 55-4-215(b), is amended by adding the following language as a new, appropriately designated subdivision:

(4) Before the revenue allocated in subdivisions (1) and (2) are granted to the particular local arts organizations or events, an amount not to exceed three hundred ninety-three thousand six hundred dollars (\$393,600) may be expended for other grants and activities as determined by the commission.

SECTION 32.

SECTION 33. Tennessee Code Annotated, Section 67-4-409(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

Three and one-fourth cents (3.25¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "1986 wetland acquisition fund". If such an allocation is not made in the appropriations act, then such amount shall be credited to the general fund. However, this subsection is repealed on July 1, 2005; and, on such date, the language of this subsection, as it existed on January 1, 2003, is hereby revived and re-enacted.

SECTION 34. Tennessee Code Annotated, Section 67-4-409(i), is amended by deleting the subsection in its entirety and by substituting instead the following:

One and three-fourth cents (1.75¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "local park lands acquisition fund". If such an allocation is not made in the appropriations act, then such amount shall be credited to the general fund. However, this subsection is repealed on July 1, 2005; and, on such date, the language of this subsection, as it existed on January 1, 2003, is hereby revived and re-enacted.

SECTION 35. Tennessee Code Annotated, Section 67-4-409(j), is amended by deleting the subsection in its entirety and by substituting instead the following:

One and one-half cents (1.5¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "state land acquisition fund". If such an allocation is not made in the appropriations act, then such amount shall be credited to the general fund. However, this subsection is repealed on July 1, 2005; and, on such date, the language of this subsection, as it existed on January 1, 2003, is hereby revived and re-enacted.

SECTION 36. Tennessee Code Annotated, Section 67-4-409(l), is amended by deleting the subsection in its entirety and by substituting instead the following:

One and one-half cents (1.5¢) of the tax levied by subsection (a) shall, subject to the annual appropriations act, be credited to a special agency account in the state general fund known as the "agricultural resource conservation fund". If such an allocation is not made in the appropriations act, then such amount shall be credited to the general fund. However, this subsection is repealed on July 1, 2005; and, on such date, the language of this subsection, as it existed on January 1, 2003, is hereby revived and re-enacted.

SECTION 37. Tennessee Code Annotated, Section 67-4-2004(2)(A)(iii), is amended by inserting the following language as a new subitem immediately after the existing subitem (f) and by relettering the remaining subitems accordingly:

(g) The holding of participation loans in which more than one (1) lender is a creditor to a common borrower.

SECTION 38. Tennessee Code Annotated, Section 67-4-2105(f), is amended by inserting the words and punctuation "except for a financial institution included in a unitary group of financial institutions otherwise subject to franchise and excise taxes," immediately after the words and punctuation "Notwithstanding any other provision to the contrary,".

SECTION 39. Tennessee Code Annotated, Section 67-4-2004(8), is amended by deleting the subsection in its entirety and by substituting instead the following:

"Financial institution" means a holding company, any regulated financial corporation, a subsidiary of a holding company or a regulated financial corporation, an investment entity that is indirectly more than fifty percent (50%) owned by a holding company or a regulated financial corporation, or any other person that is carrying on the business of a financial institution. However, "financial institution" does not include insurance companies subject to tax under Tennessee Code Annotated, Sections 56-4-201 through 56-4-214;

SECTION 40. Tennessee Code Annotated, Section 67-4-2004, is amended by inserting the following language as a new, appropriately numbered item and by renumbering subsequent items accordingly:

"Investment entity" means any person that receives more than fifty percent (50%) of its gross income from investment securities and from the business of a financial institution;

SECTION 41. Tennessee Code Annotated, Section 67-4-2004, is amended by inserting the following language as a new, appropriately numbered item and by renumbering subsequent items accordingly:

"Investment securities" means for purposes of this section any note, United States treasury securities, obligations of United States government agencies and corporations, obligations of state and political subdivisions, corporate debt securities, participations in securities backed by mortgages held by the United States or state government agencies, loan-backed securities, bonds, debenture, evidence of indebtedness, and other similar debt investments;

SECTION 42.

SECTION 43.

SECTION 44.

SECTION 45.

SECTION 46.

SECTION 47. Tennessee Code Annotated, Section 68-1-1503(a), is amended by deleting the words and punctuation "The Commissioner of Health shall:" and by substituting instead the following:

The Commissioner of Health may:

SECTION 48. Tennessee Code Annotated, Section 68-1-1503(b), is amended by deleting the words and punctuation "The Commissioner of Health shall establish," and by substituting instead the following:

"The Department of Health may establish,"

SECTION 49. Tennessee Code Annotated, Section 68-49-101, is amended by deleting the words "The Department of Health shall establish" and by substituting instead the following:

"The Department of Health may establish"

SECTION 50. Tennessee Code Annotated, Section 70-1-309, is amended by inserting after the word and punctuation "fiscal year." the following language:

During the fiscal year beginning on July 1, 2003, and ending June 30, 2004, the payment of such adjustment in the salary administration plan is conditioned upon funds for such increase being appropriated specifically in the General Appropriations Act.

SECTION 51. Tennessee Code Annotated, Title 4, Chapter 3, Part 10, is amended by adding the following language as a new, appropriately designated section:

(a) Notwithstanding any provision of the law to the contrary, subject to the specific provisions of an appropriation act, the Commissioner of Finance and Administration is authorized to deny carry forwards for, and to transfer funds from, the funds, reserves accounts or programs identified in subsection (c) to the state general fund for the purpose of meeting the requirements of funding the operations of state government for the fiscal year ending June 30, 2003. The authorization provided for in the preceding sentence shall not apply to allow the transfer of any fund balances which are mandated by federal law to be retained in such fund. This authority shall apply to transfers and carry forwards necessary to fund the expenditures for the state for the fiscal years ending June 30, 2003, and June 30, 2004.

(b) No funds shall be transferred unless specifically appropriated in an appropriations act and such funds shall only be expended in accordance with the provisions of such act.

(c) Transfers are authorized from the following funds, reserve accounts and programs:

(1) Tennessee housing development authority assets funds created or referenced in Title 13, Chapter 23, Part 4;

(2) Parole and probation supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(3) Department of Correction work release supervision and rehabilitation accumulated fees created or referenced in Title 40, Chapter 28, Part 2;

(4) Temporary assistance for needy families Families First Program created or referenced in Title 71, Chapter 3, Part 1;

(5) Department of Safety computerized titling and registration system accumulated fees created or referenced in Title 55, Chapter 4, Part 1;

(6) Wetland acquisitions fund created or referenced in Title 67, Chapter 4, Part 4;

(7) Wetland compensation fund created or referenced in Title 11, Chapter 14, Part 4;

(8) Local parks land acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(9) State lands acquisition fund created or referenced in Title 67, Chapter 4, Part 4;

(10) State land compensation fund created or referenced in Title 11, Chapter 14, Part 4;

(11) Agriculture resource conservation fund created or referenced in Title 67, Chapter 4, Part 4;

(12) Alcohol and drug addiction treatment fund created or referenced in Title 40, Chapter 33, Part 2;

(13) Traumatic brain injury fund created or referenced in Title 68, Chapter 55, Part 4;

(14) Finance and Administration electronic fingerprint imaging systems fund created or referenced in Title 67, Chapter 4, Part 6;

(15) Tennessee Bureau of Investigation fingerprint criminal history database accumulated fees created or referenced in Title 39, Chapter 17, Part 13;

(16) Tennessee Bureau of Investigation expunged criminal offender pretrial diversion data base accumulated fees created or referenced in Title 38, Chapter 6, Part 1, and Title 40, Chapter 32, Part 1;

(17) Department of Safety driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(18) Department of Education driver education fund created or referenced in Title 67, Chapter 4, Part 6;

(19) Motorcycle rider safety fund created or referenced in Title 55, Chapter 51, Part 1;

(20) Sex offender treatment program created or referenced in Title 39, Chapter 13, Part 7;

(21) Industries for the blind fund created or referenced in Title 71, Chapter 4, Part 4;

(22) Voting machines loan fund created or referenced in Title 2, Chapter 9, Part 1;

(23) Domestic violence community education fund created or referenced in Title 36, Chapter 3, Part 6;

(24) Tennessee judicial information system fund created or referenced in Title 16, Chapter 3, Part 8;

(25) Tennessee advisory commission on intergovernmental relations accumulated balances or carry over funds created or referenced in Title 4, Chapter 10, Part 1;

(26) Safe schools program created or referenced in Title 49, Chapter 6, Part 43;

(27) Special schools created or referenced in Title 49, Chapter 50, Part 10;

(28) Notwithstanding Tennessee Code Annotated, Section 54-2-102 and 54-2-103, or any other provision of law to the contrary, Department of Transportation funds in the highway fund or other funds created or referenced in Titles 54, 55, 57, 65 and 67;

(29) Fraud and economic crimes funds created or referenced in Title 40, Chapter 3, Part 2;

(30) Emergency communications funds created or referenced in Title 7, Chapter 86, Part 1;

(31) Deferred revenue account created or referenced in Title 65, Chapter 1, Part 2, and any other reserve fund maintained by the Tennessee regulatory authority;

(32) Health service development agency fund created or referenced in Title 68, Chapter 11, Part 16;

(33) Oil and gas reclamation fund created or referenced in Title 60, Chapter 1, Part 4;

(34) State board of accountancy fund created or referenced in Title 62, Chapter 1, Part 1;

(35) Nursing home residents fund created or referenced in Title 68, Chapter 11, Part 8;

(36) Agricultural regulatory fund created or referenced in Title 43, Chapter 1, Part 7;

(37) Dairy promotion board fund created or referenced in Title 44, Chapter 19, Part 1;

(38) Hazardous waste remedial action fund created or referenced in Title 68, Chapter 212, Part 2;

(39) Voluntary cleanup fund created or referenced in Title 68, Chapter 212, Part 2;

(40) Underground storage tanks fund created or referenced in Title 68, Chapter 215, Part 1;

(41) Surface mine reclamation fund created or referenced in Title 59, Chapter 8, Part 2;

(42) Divorcing parents mediation fund created or referenced in Title 36, Chapter 6, Part 4;

(43) Division of regulatory boards fund created or referenced in Title 56, Chapter 1, Part 3;

(44) Child safety fund created or referenced in Title 55, Chapter 9, Part 6;

(45) Health access incentive fund created or referenced in Title 66, Chapter 29, Part 1;

(46) Solid waste fund created or referenced in Title 68, Chapter 211, Part 8;

(47) Used oil collection fund created or referenced in Title 68, Chapter 211, Part 10;

(48) Drycleaner environmental response fund created or referenced in Title 68, Chapter 217, Part 1;

(49) Minority-owned telecom business fund created or referenced in Title 65, Chapter 5, Part 2;

(50) Real estate education and recovery education fund created or referenced in Title 62, Chapter 13, Part 2;

(51) Real estate education and recovery claims fund created or referenced in Title 62, Chapter 13, Part 2;

(52) Auctioneer education and recovery fund created or referenced in Title 62, Chapter 19, Part 1;

(53) C.I.D. anti-theft fund created or referenced in Title 55, Chapter 3, Part 2;

(54) Railroad inspection fee created or referenced in Title 65, Chapter 3, Part 2;

(55) Utility relocation loan program fund created or referenced in Title 67, Chapter 3, Part 20;

(56) Education trust fund created or referenced in Title 49, Chapter 3, Part 3;

(57) Environmental protection fund created or referenced in Title 68, Chapter 203, Part 1;

(58) Lead-based paint abatement fund created or referenced in Title 68, Chapter 131, Part 4;

(59) Employment security special administration fund created or referenced in Title 50, Chapter 7, Part 5;

(60) Insurance fees created or referenced in Title 56, Chapter 2, Part 5; Title 56, Chapter 4, Part 1; Title 56, Chapter 6, Part 1; Title 56, Chapter 14, Part 1; Title 56, Chapter 32, Part 2; Title 56, Chapter 35, Part 1; and Title 55, Chapter 18, Part 1;

(61) Reserves for casualty losses created or referenced in Title 12, Chapter 3, Parts 6 and 9;

(62) Health-related board fund created or referenced in Title 63, Chapter 1, Part 1.

SECTION 52. Tennessee Code Annotated, Section 67-4-1708, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

"(c) All persons who were licensed or registered to engage in a vocation, profession, business, or occupation subject to this tax on June 1, 2003, but who were exempt from the tax on that date because of the operation of the provision of Section 7(b) of Chapter 856 of the Public Acts of 2002, and who continue to hold such license or registration on June 30, 2003, are hereby declared to be liable for the tax imposed by this part, which shall be payable on June 30, 2003.

SECTION 53. Tennessee Code Annotated, Section 67-4-1709, is amended by deleting the section in its entirety and by substituting instead the following:

§ 67-4-1709. Each individual licensed or registered to engage in a vocation, profession, business, or occupation listed in § 67-4-1702(a) shall be liable for the tax. Any employer, including any governmental entity, may choose to remit the tax imposed by this part on behalf of persons subject to the tax who are employed by such employer.

SECTION 54. Tennessee Code Annotated, Section 2-12-209(a), is amended by designating the current language as subdivision (1) and by adding the following language as a new subdivision (2):

(2) In years in which the secretary of state is required to reduce the department of state's budget, the secretary is authorized to reduce any appropriations authorized by this section by nine percent (9%).

SECTION 55. Tennessee Code Annotated, Title 8, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) The secretary of state is authorized to accept donations from persons, political subdivisions, foundations, corporations, firms or any other business entity for the express purpose of publishing the Tennessee Blue Book. The secretary of state shall control all aspects of the publication and distribution of the book including, but not limited to, complete editorial control, quantity published and distribution. No benefactor shall have authority to interfere with any aspect of development, publication, quantity published or distribution of the book.

(b) The secretary of state will determine the amount of money needed to publish the quantity desired and shall have the sole authority to select the benefactor(s). The funds received shall be used for the publication and distribution of the book. Such funds shall not revert to the general fund but shall be carried forward to the next fiscal year and remain available to the secretary of state until expended for the publications and distribution of future editions. None of these funds shall be used for the payment of employees' salaries.

(c) Acknowledgement of the chosen benefactors shall be included in the preface of the book. An appropriate acknowledgement shall be given based on generosity of the benefactor. Acknowledgement shall be in the form of a letter from the secretary of state acknowledging the gift in a separate listing in the preface of the book. Notwithstanding any provisions of the law to the contrary, a benefactor shall have the first option of being chosen as the benefactor(s) of the next edition of the Tennessee Blue Book.

(d) The secretary of state shall maintain a list of all benefactors that shall include names, addresses and the amount of the benefactor's donation. Such a list shall be open and available to public inspection.

SECTION 56. Tennessee Code Annotated, Section 71-1-104(b), is amended by deleting the "." at the end of the subsection and by substituting instead the following:

, unless the state finds in its sole discretion that it is in the state's best interest to allow such property and production equipment to be sold to such contractor or his successor at such time as the contractor or his successor shall cease operating a workshop for the benefit of the blind. If the state deems it appropriate to convey such property and production equipment to the contractor, then the amount of remuneration to be paid by the contractor or its successor to the state shall be determined at the time the real property and production equipment is originally conveyed to the contractor, to be based upon the appraised value of the real property and production equipment at the time of the original conveyance to the contractor.

SECTION 57. Tennessee Code Annotated, Section 4-31-108(i)(6), is amended by adding the following language at the end of the sentence of the subdivision:

in accordance with the applicable provisions of the general appropriations bill.

SECTION 58. Tennessee Code Annotated, Section 41-8-106(g), is amended by adding the following new language at the end of the subsection:

The rate of this compensation to the said counties shall be determined by and is subject to the level of funding authorized in the appropriations bill.

SECTION 59. Tennessee Code Annotated, Section 49-3-306(d), is amended by deleting the second sentence.

SECTION 60. Tennessee Code Annotated, Section 49-3-352, is amended by adding the following sentence at the end of subsection (c):

Notwithstanding the provisions of this section or any other provisions of the law to the contrary, in any fiscal year in which state-shared revenues distributed to counties are reduced below the levels distributed to counties in the 2002-2003 fiscal year, any or all to the accumulated fund balance may be used for education purposes without restrictions.

SECTION 61. Tennessee Code Annotated, Section 55-4-274(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Effective July 1, 2003, the funds derived from the sale of such Radnor Lake new specialty earmarked license plates, less the expense the state has incurred in designing and manufacturing such plates, shall be allocated to The Friends of Radnor Lake in accordance with the provisions of Section 55-4-215. Such funds shall be used exclusively to protect, preserve and promote the natural integrity of Radnor Lake Natural Area in Davidson County.

SECTION 62. Tennessee Code Annotated, Sections 68-11-830(d)(2)(B) and 68-11-830(d)(10), are amended by deleting the language "July 15, 2003" and by substituting instead the language "July 15, 2005".

SECTION 63. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 64. Sections 37 through 41 of this act shall take effect upon becoming a law and shall apply to tax years beginning on or after March 13, 2003, the public welfare requiring it.

SECTION 65.

SECTION 66.

SECTION 67. Sections 52 and 53 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 52 shall be repealed effective September 1, 2003, at which time the provisions of Tennessee Code Annotated amended by Section 52 of this act shall be revived and shall be in effect as they existed immediately prior to the effective date of Section 52 of this act.

SECTION 68. Notwithstanding the provisions of Section 8-6-104 or any other law to the contrary, the salary of the attorney general and reporter during fiscal year 2003-2004 shall be the same as during fiscal year 2002-2003. There shall be no cost of living or other adjustment to such salary during fiscal year 2003-2004.

SECTION 69. Tennessee Code Annotated, Section 4-31-104, is amended by adding a new subsection as follows:

() For the purpose of financing the acquisition and improvement of facilities previously financed under the provisions of Part 7 hereof and from funds available, to lend moneys to local government units to be repaid with revenues of such facilities under such terms and conditions deemed appropriate by the authority.

SECTION 70. Tennessee Code Annotated, Title 4, Chapter 31, Part 1, is amended by adding the following new section:

4-31-1____. (a) The authority may enter into loan agreements with any local government unit and any local government unit may enter into loan agreements with the authority for loans for acquisition and improvement of facilities previously financed under the provisions of Part 7 hereof.

(b) Any loan agreement may include such provisions as may be agreed upon by the authority and the local government and shall additionally include, in substance, the following:

(1) The amount of the loan as determined by the authority;

(2) An agreement by the authority to pay part of the amount of the loan to the local government unit during the progress of the acquisition or improvement, or to pay the amount of the loan following completion of the acquisition or improvement, as may be agreed upon by the parties; and

(3) An agreement by the local government unit:

(A) To proceed expeditiously with, and complete, the project;

(B) To commence operation of the project on its completion, and not to discontinue operations or dispose of the project without the approval of the authority;

(C) To operate and maintain the project in accordance with applicable provisions of this part and in compliance with rules and regulations of the authority;

(D) Not to contract with any corporation for profit, private person or firm for the operation of the same, notwithstanding the provisions of any law authorizing such contracts, except upon approval by the authority of an application to the authority;

(E) To pledge any available sources of revenue to make payment according to a schedule established by the authority, and to make such payments; and

(F) To establish and maintain adequate financial records for the project, and to cause to be made an annual audit of the financial records and transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the comptroller of the treasury.

(c) The authority may promulgate any additional rules or regulations concerning the contract and change in operations of a capital project.

SECTION 71. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

SECTION 72. Tennessee Code Annotated, Title 9, Chapter 4, Part 51, is amended by adding the following language as a new, appropriately designated section:

§ 9-4-5116. No state funds shall be used to perform abortions.

SECTION 73. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

Senator Crowe declared Rule 13 on **Senate Bill No. 1991**.

Senator Crutchfield moved that Amendment No. 6 to Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes	17
Noes	16

Senators voting aye were: Beavers, Burks, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Miller, Trail and Williams--17.

Senators voting no were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Ford, Fowler, Ketron, McNally, Norris, Person, Ramsey, Southerland and Mr. Speaker Wilder--16.

Senator Clabough moved that Amendment No. 7 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Ramsey moved that Amendment No. 1 to Amendment No. 4 be placed behind Amendment No. 4 to Amendment No. 4, which motion prevailed.

Senator Ramsey moved that Amendment No. 2 to Amendment No. 4 be placed behind Amendment No. 4 to Amendment No. 4, which motion prevailed.

Senator Ramsey moved that Amendment No. 3 to Amendment No. 4 be placed behind Amendment No. 4 to Amendment No. 4, which motion prevailed.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 4 TO AMENDMENT NO. 4

AMEND by adding the following language as a new section immediately preceding the effective date section or sections and by renumbering subsequent sections accordingly:

SECTION ____ Notwithstanding any provision of this act or law to the contrary, each fiscal year through June 30, 2007, allocation of all state-shared revenues otherwise mandated pursuant to amendments made by the provisions of this act to Tennessee Code Annotated, Title 57, Chapter 3, Part 3; Title 57, Chapter 4, Part 3; Title 57, Chapter 5, Part 2; Title 67, Chapter 2, Part 1; Title 67, Chapter 4, Part 20; Title 67, Chapter 6, Part 1; Title 67, Chapter 7, Part 1; and Section 67-6-710(f) shall be subject to, and shall occur only to the extent provided within the General Appropriations Act.

Senator Trail moved that Amendment No. 4 to Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes 18
Noes 14

Senators voting aye were: Beavers, Burks, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Miller, Trail and Williams--18.

Senators voting no were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Fowler, Ketron, McNally, Norris, Person, Ramsey and Southerland--14.

Senator Ramsey moved that Amendment No. 1 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Ramsey moved that Amendment No. 2 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Fowler moved that Amendment No. 3 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 8 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 9 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 10 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Bryson moved that Amendment No. 11 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 12 to Amendment No. 4 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 4 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 5 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 6 be placed at the heel of the amendments, which motion prevailed.

Senator Henry moved that Amendment No. 7 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 8 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 9 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 10 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 11 be withdrawn, which motion prevailed.

Senator Fowler moved that Amendment No. 12 be withdrawn, which motion prevailed.

Senator McNally moved that Amendment No. 13 be withdrawn, which motion prevailed.

Senator McNally moved that Amendment No. 14 be withdrawn, which motion prevailed.

Senator McNally moved that Amendment No. 15 be withdrawn, which motion prevailed.

Senator Clabough moved that Amendment No. 16 be withdrawn, which motion prevailed.

Senator Ford moved that Amendment No. 17 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 18 be withdrawn, which motion prevailed.

Senator Ramsey moved that Amendment No. 19 be withdrawn, which motion prevailed.

Senator Fowler moved that Amendment No. 20 be withdrawn, which motion prevailed.

Senator Graves moved to amend as follows:

AMENDMENT NO. 21

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. There is established within the general fund the state-shared revenue reduction mitigation account. Any amounts in the state-shared revenue reduction mitigation account shall be applied by the Commissioner of Finance and Administration to offset

reductions in state-shared revenues allocated to local governments pursuant to the provisions of this act so that such reductions shall not exceed nine percent (9%) of state-shared revenues that otherwise would have been allocated to any such local government. Funds shall be restored on a pro rata basis taking into account the percentage reduction to each local government from each state-shared revenue source.

On motion, the amendment was adopted.

Senator McNally moved that Amendment No. 22 be withdrawn, which motion prevailed.

Senator McNally moved to amend as follows:

AMENDMENT NO. 23

AMEND by adding the following new section, to be appropriately designated:

SECTION ____ The director of the Bureau of TennCare shall file a written report to the Governor, the Speakers of the House and Senate, and the director of CMS by January 1, 2004. The report shall contain the following information:

(1) From the latest comptroller's audit of the Department of Finance and Administration including the Bureau of TennCare for the year ending June 30, 2002, the director shall certify the findings that the bureau has fully corrected and the findings that the bureau has not fully corrected; and

(2) An assessment of actual provider costs incurred for providing TennCare services as compared to what providers are actually paid for providing TennCare services.

On motion, the amendment failed by the following vote:

Ayes 14
Noes 16

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Fowler, Ketron, McNally, Norris, Person, Ramsey and Southerland--14.

Senators voting no were: Beavers, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, Miller, Trail and Williams--16.

Senator McNally moved that Amendment No. 24 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 25 be withdrawn, which motion prevailed.

Senator Fowler moved that Amendment No. 26 be withdrawn, which motion prevailed.

Senator Bryson moved to amend as follows:

AMENDMENT NO. 28

AMEND by deleting from the amendatory Section 57-3-306(b)(3) in Section 18 of the bill as amended the language "nine percent (9%) of the amount otherwise allocated" and by substituting instead the language "seven and one-half percent (7 ½ %) of the amount otherwise allocated".

AND FURTHER AMEND by deleting from the amendatory Section 57-4-306 in Section 19 of the bill as amended the language "nine percent (9%) of the amount otherwise allocated" wherever it appears and by substituting instead the language "seven and one-half percent (7 ½ %) of the amount otherwise allocated".

AND FURTHER AMEND by deleting from the amendatory Section 57-5-205 in Section 20 of the bill as amended the language "nine percent (9%) of the amount otherwise allocated" wherever it appears and by substituting instead the language "seven and one-half percent (7 ½ %) of the amount otherwise allocated".

AND FURTHER AMEND by deleting from the amendatory Section 67-2-119(e) in Section 32 of the bill as amended the language "one-third (1/3) of the amount otherwise allocated" and by substituting instead the language "seven and one-half percent (7 ½ %) of the amount otherwise allocated".

AND FURTHER AMEND by deleting from the amendatory Section 67-4-2017(a)(1) in Section 42 of the bill as amended the language "nine percent (9%) of the amount otherwise allocated" wherever it appears and by substituting instead the language "seven and one-half percent (7 ½ %) of the amount otherwise allocated".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Notwithstanding any provision of this act to the contrary, effective August 1, 2003, the amount distributed to each county under Tennessee Code Annotated, Section 67-7-110, shall only be reduced by seven and one-half percent (7 ½%) from the amount that such municipality would have received prior to the amendments to Section 67-7-110 contained in this act.

Senator Crutchfield moved that Amendment No. 28 go to the table, which motion prevailed by the following vote:

Ayes	18
Noes	13

Senators voting aye were: Beavers, Burks, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Miller, Trail and Williams--18.

Senators voting no were: Atchley, Bryson, Burchett, Clabough, Cooper, Crowe, Fowler, Ketron, McNally, Norris, Person, Ramsey and Southerland--13.

Senator Dixon moved that Amendment No. 29 be withdrawn, which motion prevailed.

Senator Dixon moved that Amendment No. 30 be withdrawn, which motion prevailed.

Senator Norris moved that Amendment No. 31 be withdrawn, which motion prevailed.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 32

AMEND by deleting Section 69 of the bill as amended in its entirety and replacing it with the following language:

SECTION 69. Sections 37 through 41 of this act shall take effect upon becoming a law and shall apply to tax years ending on or after June 15, 2003, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 32 was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

Senator Cooper moved that Amendment No. 33 be withdrawn, which motion prevailed.

Senator Henry moved that Amendment No. 6 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2073**, as amended, passed its third and final consideration by the following vote:

Ayes 22
Noes 11

Senators voting aye were: Atchley, Beavers, Burchett, Burks, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Trail, Williams and Mr. Speaker Wilder--22.

Senators voting no were: Bryson, Clabough, Cohen, Cooper, Crowe, Fowler, McNally, Norris, Person, Ramsey and Southerland--11.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that Rule 37 be suspended for the purpose of placing the following bills on the calendar for Thursday, May 22, 2003, which motion prevailed: **Senate Bills Nos. 1992 and 1994.**

NOTICE

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 437, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Cohen moved that the rules be suspended for the purpose of placing **Senate Bill No. 437** on the Message Calendar for Thursday, May 22, 2003, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

MOTION

Senator Crutchfield moved that the rules be suspended for the purpose of amending the schedule for the Senate to meet at 9:30 a.m., Thursday, May 22, 2003, which motion prevailed.

MOTION

Senator Crowe moved that Rule 38 be suspended for the purpose of placing the following resolutions on a consent calendar for today, Wednesday, May 21, 2003, which motion prevailed: **Senate Joint Resolutions Nos. 525, 526, 537 and 538.**

CONSENT CALENDAR NO. 2

Senate Joint Resolution No. 525 -- Memorials, Retirement -- Bill Yeager.

Senate Joint Resolution No. 526 -- Memorials, Retirement -- Larry Gossett.

Senate Joint Resolution No. 537 -- Memorials, Public Service -- William F. McElroy, Jr.

Senate Joint Resolution No. 538 -- General Assembly, Statement of Intent or Position -- Urges U.S. Dept. of Energy to renew annual assistance payments to City of Oak Ridge.

On motion, Consent Calendar No. 2 was adopted.

A motion to reconsider was tabled.

CALENDAR

Senator Clabough moved that **House Bill No. 1772** be considered out of order, which motion prevailed.

House Bill No. 1772 -- Tobacco, Tobacco Products -- Places additional regulations on cigarette distributors, importers, manufacturers and retail dealers. Amends TCA Title 67, Chapter 4, as amended.

Thereupon, **House Bill No. 1772**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

NOTICE

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 128, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1085, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 263, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

CALENDAR

Senate Bill No. 32 -- Correctional Programs -- Requires facilities that house alternatively sentenced criminal offenders to notify chief law enforcement officer in county where facility exists of identities, criminal records and locations of such offenders. Amends TCA Title 40.

On motion, Senate Bill No. 32 was made to conform with **House Bill No. 66**.

On motion, House Bill No. 66, on same subject, was substituted for Senate Bill No. 32.

Senator Person moved that Amendments Nos. 1 and 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 66** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 268 -- Salaries and Benefits -- Gives cash salary supplement to firefighter or police officer serving on active duty in armed forces during Operation Enduring Freedom, if service prevents such personnel from attending in-service training program required to qualify for supplement. Amends TCA Title 4, Chapter 24 and Title 38, Chapter 8.

On motion, Senate Bill No. 268 was made to conform with **House Bill No. 214**.

On motion, House Bill No. 214, on same subject, was substituted for Senate Bill No. 268.

Senator Person moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 214** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 702 -- Firefighters -- Requires that one member of emergency medical services board be person with certification as EMT-P, EMT, and registered nurse; such person is to be nominated by Tennessee professional firefighter association. Amends TCA Section 68-140-503.

On motion, Senate Bill No. 702 was made to conform with **House Bill No. 1676**.

On motion, House Bill No. 1676, on same subject, was substituted for Senate Bill No. 702.

Senator Harper moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1676** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Cohen moved that **Senate Bill No. 922** be moved two places down on the calendar for today, which motion prevailed.

Senate Bill No. 1090 -- Landlord and Tenant -- Permits landlord to terminate existing utility services after 10 days if service is in landlord's name and rental agreement requires tenant to have utility services placed in tenant's name. Amends TCA Title 66, Chapter 28.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

66-28-521. If a written rental agreement requires the tenant to have utility services placed in the tenant's name and the tenant fails to do so within ten (10) days of occupancy of the rented premises, the landlord may have such utility services terminated if the existing utility service is in the name of the landlord. The provisions of this section shall not apply unless the landlord has exercised the right to terminate utility services within forty-five (45) days of occupancy by the tenant.

On motion, the amendment was adopted.

Senators Miller, Burchett, Haynes, Dixon, Trail, Herron and Mr. Speaker Wilder declared Rule 13 on **Senate Bill No. 1090**.

Thereupon, **Senate Bill No. 1090**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 1960 -- Public Records -- Clarifies that utility service providers' reports identifying areas vulnerable to terrorism or other unlawful disruptions of service are confidential. Amends TCA subsection 10-7-504(a)(21).

On motion, Senate Bill No. 1960 was made to conform with **House Bill No. 2030**.

On motion, House Bill No. 2030, on same subject, was substituted for Senate Bill No. 1960.

Senator Cohen moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2030** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 922 -- Lobbying, Lobbyists -- Authorizes filing of statement rather than annual document of authority for each client if lobbyist's clients remain unchanged. Amends TCA Title 3, Chapter 6, Part 1.

Senate Bill No. 922 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Dixon moved that **Senate Bill No. 154** be placed on the first calendar for the first regular session of 2004, which motion prevailed.

Senate Bill No. 803 -- Traffic Safety -- Requires certain trailers to bear rear tail lamps. Amends TCA Title 55, Chapter 9, Part 4.

On motion, Senate Bill No. 803 was made to conform with **House Bill No. 774**.

On motion, House Bill No. 774, on same subject, was substituted for Senate Bill No. 803.

Senator Williams moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 774** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 917 -- Public Contracts -- Directs comptroller of treasury to conduct study of procurement of information technology commodity items and services. Amends TCA Title 4 and Title 12.

On motion, Senate Bill No. 917 was made to conform with **House Bill No. 1256**.

On motion, House Bill No. 1256, on same subject, was substituted for Senate Bill No. 917.

Senator Kyle moved that **House Bill No. 1256** be placed on the final calendar, which motion prevailed.

House Bill No. 1030 -- Taxes, Ad Valorem -- Permits deferral of refund of property taxes, if refund significantly affects approved county budget. Amends TCA Section 67-5-1512 and Title 67, Chapter 5, Part 18, as amended.

Thereupon, **House Bill No. 1030**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 610** be placed on the calendar for Thursday, May 22, 2003, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 642** be placed on the calendar for Thursday, May 22, 2003, which motion prevailed.

Senator Graves moved that **Senate Bill No. 1198** be placed on the calendar for Thursday, May 22, 2003, which motion prevailed.

MOTION

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 571**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 581**.

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 567, 574, 575, 576, 577 and 578**.

On motion of Senator Bryson, his name was added as sponsor of **Senate Bills Nos. 694 and 1665; and House Joint Resolutions Nos. 561 and 562**.

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 569**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 565 and 573**.

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 615 and Senate Joint Resolution No. 538**.

On motion of Senator Williams, his name was added as sponsor of **Senate Bill No. 268**.

On motion of Senator Kyle, his name was added as sponsor of **House Bill No. 1030**.

ENGROSSED BILLS

May 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 922 and 1090; and Senate Joint Resolution No. 453; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 525, 526, 537 and 538; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 481, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 63 and 460, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 533, 734, 882, 1200, 1721 and 1954; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1658 and 1935, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 949 and 1974, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 707, 1499, 2117, 2118 and 2119; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 189 and 1253, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 874, 891, 1411, 1793 and 1958; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 481, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 438, 439, 440, 441, 442, 443, 444, 445, 446, 449 and 454; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 509 and 598, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 454, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593 and 594; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 595, 596, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 and 626; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2, 53, 166, 427, 479, 795, 949, 1189, 1262, 1383, 1474, 1475, 1562, 1611, 1627, 1650, 1813, 1815, 1819, 1974 and 1979; and Senate Joint Resolutions Nos. 438, 439, 440, 441, 442, 443, 444, 445, 446, 449 and 454; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 641, 859, 957, 1116, 1491, 1552, 1677, 1697, 1893, 2102 and 2114; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 21, 2003

The Speaker announced that he had signed the following: Senate Bills Nos. 2, 53, 166, 427, 479, 795, 949, 1189, 1262, 1383, 1474, 1475, 1562, 1611, 1627, 1650, 1813, 1815, 1819, 1974 and 1979; and Senate Joint Resolutions Nos. 438, 439, 440, 441, 442, 443, 444, 445, 446, 449 and 454.

SIGNED

May 21, 2003

The Speaker announced that he had signed the following: House Bills Nos. 641, 859, 957, 1080, 1116, 1491, 1552, 1677, 1697, 1893, 2102 and 2114.

MESSAGE FROM THE HOUSE

May 20, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 694, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 64, 116, 301, 311, 389, 396, 430, 434, 664, 762, 791, 863, 878, 918, 1207, 1279, 1288, 1342, 1343, 1389, 1399, 1518, 1676, 1744, 1817, 1854 and 1931; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 438, 439, 440, 441, 442, 443, 444, 445, 446, 449 and 454; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 20, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1116, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 21, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 399, 400, 401, 402, 403 and 404; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

REPORT OF CHIEF ENROSSING CLERK

May 21, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 64, 116, 301, 311, 389, 396, 430, 434, 664, 762, 791, 863, 878, 918, 1207, 1279, 1288, 1342, 1343, 1389, 1399, 1518, 1676, 1744, 1817, 1854 and 1931; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 22, 2003: House Joint Resolutions Nos. 580,

WEDNESDAY, MAY 21, 2003 -- 43RD LEGISLATIVE DAY

581 and 582; Senate Joint Resolutions Nos. 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 479 and 480; and Senate Resolutions Nos. 90, 91, 92 and 93.

This the 20th day of May, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 22, 2003: Senate Bills Nos. 61, 610, 642, 1198, 1992 and 1994.

This the 21st day of May, 2003.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Thursday, May 22, 2003: Senate Bill No. 437.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:30 a.m., Thursday, May 22, 2003, which motion prevailed.